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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

14° VICTORIÆ, 1851.

VOL. CXV.

COMPRISING THE PERIOD FROM

THE SEVENTEENTH DAY OF MARCH,

TO

THE TENTH DAY OF APRIL, 1851.

Second Volume of the Session.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

FOURTH SESSION OF THE *FIFTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*
APPOINTED TO MEET 21 SEPTEMBER, 1847, AND FROM THENCE
CONTINUED TILL 4 FEBRUARY, 1851, IN THE FOURTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF LORDS,

Monday, March 17, 1851.

MINUTES.] PUBLIC BILLS.—1ª Commons Inclosure.
2ª Registration of Assurances.
3ª Passengers Act Amendment.

DESIGNS ACT EXTENSION BILL—LAW OF PATENTS.

EARL GRANVILLE, in bringing up the report on this Bill, said, it might be convenient that he should take that opportunity of stating the intentions of the Government with regard to the law of patents. It was a question which had been much discussed of late, and by all parties it was admitted that the state of the law was anomalous; and the Government had considered the subject with a view of remedying the inconveniences which at present existed. All parties were unanimous as to the defects of the present law, but there was great diversity of opinion as to the remedy to be applied. Some persons thought that every inventor possessed a natural right to the enjoyment of that which was his own invention, and that, with the greatest facility and without previous examination, the benefit of his invention should be secured to him; whilst other persons went so far as to think that it was very doubtful whether inventors should obtain even the protection and privileges which they enjoyed, and that the existence of patents was no more than an acknowledgment by the law of monopolies. The Government wished to meet the views so often expressed by noble Lords on both sides of the House with reference to the introduction of measures into their Lordships' House where it was practicable, instead of their coming up late in the Session; and it was, therefore, their intention to introduce a Bill on the subject of the patent laws in that House before the end of next week. The noble and learned Lord opposite (Lord Brougham) also, he believed, intended to introduce a Bill on the subject; and, as it would not be desirable to have the two Bills before the House at the same time, perhaps their Lordships would allow him (Earl Granville) to have his Bill read a second time, in order that it might be referred to a Select Committee to have evidence taken on the subject upon which a Bill of this sort ought to be founded. The noble and learned Lord would be able to attend the Committee, and, no doubt, would render his valuable assistance in improving the details of the measure.

Lord BROUGHAM was quite ready to acquiesce in the proposition of the noble Earl. He intended to have laid his Bill on the table on Thursday next, but he would now wait until the Bill of the Government was before the House. The noble and learned Lord stated some of the features of his Bill, the principal of which were, to make one patent apply to England, Ireland, and Scotland; and, in lieu of the amount now paid in the first instance, to reduce it considerably, and distribute it over a series of years, upon a graduated scale, first embracing a period of three, then of four years, and so on to the entire term of fourteen years, if the patentee should desire it. If the Government Bill did not embrace these objects, he would introduce his Bill, so that both Bills might be referred to the same Committee. It was a subject of great interest, and the announcement of the noble Earl would be received with great satisfaction by the public. He was glad that the Government had taken up the subject; and he should also be glad if they would take up the Bills which he had introduced with reference to the extension of the County Courts and the law of evidence, if they met their approval, so as to prevent such attempts at legislation proving abortive. He was greatly obliged to them for the intention of introducing the Bill of which the noble Earl had given notice in their Lordships' House; and he wished they had adopted a similar course with reference to the proposed Chancery Reform Bill, which could most properly have been brought into their Lordships' House, seeing that it might affect their Lordships' appellate jurisdiction.

Amendment *reported* (according to Order); and Bill to be read 3ª To-morrow.

REGISTRATION OF ASSURANCES BILL.

Order of the Day for the Second Reading read.

Lord CAMPBELL moved the second reading of the Registration of Assurances Bill, and in doing so begged leave to remind their Lordships that this was a Bill brought forward by Her Majesty's Government in pursuance of a recommendation in the Speech from the Throne at the commencement of the Session. He had been asked by his noble Friends who were Members of the Government to take charge of the Bill in its passage through the House; and as the measure was wholly unconnected with politics, he hoped their Lordships would be of opinion that he was justified in so doing. The subject was one with which he had been long acquainted, and in which he felt the deepest interest. He was fully convinced that the measure was calculated to produce the happiest results, and he should be most highly gratified if he could in any way contribute to its adoption by Parliament. He begged leave shortly to remind their Lordships of the history of this measure, and he ought to begin by paying a compliment to the common law of this realm, which abhorred secret conveyances, and always sought publicity. Even in the Saxon times a deed conveying lands was executed before the county court, and was afterwards registered in the chartulary of some neighbouring abbey. A fine on alienation was not valid without proclamations, and a feoffment could not be made effectual without livery of seisin. Afterwards, when mortgages became common, measures were very early taken for the purpose of making a record of them accessible to all the subjects of the realm; a star, or mortgage, was obliged to be registered in the Star Chamber. Afterwards, however, chiefly, as it was supposed, by the efforts of ecclesiastics to evade the statutes against mortmain, secret conveyances were introduced. The Statute of Uses was passed to put a stop to secret conveyances, but the construction put upon its terms led to the contrary effect. The evils of these innovations were much felt in the time of the Stuarts, and Lord Bacon, when Lord Chancellor, attempted to provide a remedy for them. By his own authority, he issued a sort of edict, whereby he required that all deeds should be registered in a particular office; but after his fall, that measure fell along with him. Things continued in this unsatisfactory state till the Commonwealth, when there flourished some of the greatest jurists who ever adorned this country. During that period a Bill, which was framed by Lord Hale, was brought into Parliament for the establishment of a general registry of all deeds affecting real property. That Bill was opposed by those who thought that their private interests would be injured by its passing into a law; but there was the less reason to regret the success of that opposition, because he believed that the measure could now be more effectually and beneficially carried into effect than at any former time. The Bill in question went to establish a registry office in every county in England, as it would have taken weeks, and even months, to communicate between the remote parts of England and the metropolis. The Bill, however, having failed, nothing further was done till the reign of Charles II., and then it so happened that there was great agricultural distress complained of, as was the case at the present day. Rents having fallen, and the value of landed property being much depreciated, a Committee of that House was appointed to consider what was the cause of this, and what should be the remedy. The Committee reported that "one cause of the decay of rents and of the value of lands is the uncertainty of titles to estates; and the remedy would be that there should be a Bill of registry," meaning, thereby, a system of registration; but unfortunately, Parliament, instead of passing that measure, passed a Bill to prevent the importation of cattle and corn from Ireland, which they declared to be a common nuisance. In that reign, however, a Bill was passed to establish a register of titles in the Bedford Level, and that had continued to the present day, giving greater security of title, and more facility of transfer, than any other part of the kingdom. Nothing more was done on this subject till the reign of Queen Anne; and then Bills were passed for the establisment of a registry in each of the three ridings of the county of York, and in the county of Middlesex, which, though not on the best or most approved principles, had turned out, notwithstanding all their defects, highly beneficial. Other attempts were made to have a general system of registration for the whole kingdom; and in 1740 a Bill for that purpose actually passed through their Lordships' House, and went down to the Commons, where it perished. In the reign of George III., Mr. Justice Blackstone wished to draw the attention of the public to this subject; but it was then supposed that the law was absolute perfection, and the great bulk of the nation were optimists, so that no attempt was made to improve conveyances till 1815, when Mr. Serjeant Onslow brought a Bill into the other House of Parliament for the establishment of a general registration of deeds. The Bill was warmly supported by that illustrious man Sir Samuel Romilly; but nothing was done till his noble and learned Friend opposite delivered in the House of Commons, in 1828, a memorable speech on the state of the law, which would always form an epoch in the history of legal reform. In consequence of that speech, a Commission was issued by Lord Lyndhurst, who was then Chancellor, for considering the state of the law of real property. He (Lord Campbell) had the honour of being placed at the head of that Commission, a distinction of which he was very proud; and since that time, he believed he might say without distinction of party, a constant and sincere desire had been manifested to improve every branch of the law. The Commissioners, several of whom were most eminent conveyancers, examined many witnesses, and were anxious to take the opinions of those who were best qualified to pronounce a judgment, and they agreed with one voice that it was desirable to establish a general system of registration. In 1829 a report to that effect was presented to His Majesty, and soon afterwards, when he had the honour of a seat in the other House, he moved for leave to bring in a Bill for that purpose. The Bill was introduced into the House of Commons in 1830. It was not, properly speaking, a Government measure, but it had received the sanction of his noble and learned Friend opposite (Lord Brougham), who at that time occupied the woolsack. Their Lordships would recollect that the period was not favourable to reforms of this kind, and before he could move the second reading of the Bill, Parliament was dissolved, in April, 1831. At the meeting of the new Parliament, the Bill was again introduced, but before it was read a second time their Lordships having rejected the Reform Bill, there was an immediate prorogation. In the Session of Parliament which began on the 6th of November in that year, the Registration Bill being again introduced, was referred to a Select Committee, which, after sitting twenty-nine days, and examining many witnesses, reported unanimously (notwithstanding that many of its Members were opposed to the Bill at its outset) in favour of the measure. But it so happened that a most influential body—he meant the country solicitors, whom he really believed to be the most powerful body in this country—took it into their heads, unnecessarily, that the Bill would bring all the business to London, and that they would lose their conveyancing, which was the most profitable branch of their practice. Petitions against the Bill consequently poured in from all parts of the kingdom, and it was alleged that this was a scheme for enabling the Government to lay on an additional land tax. The people were literally infuriated against the measure; and since Mr. Pelham's Jew Bill, popular opinion had probably never been so warmly aroused on any subject. The opposition to the measure was so strong that he was finally obliged to abandon it. This was in the beginning of 1832. Soon afterwards he had the honour of being selected by Lord Grey to fill the office of His Majesty's Solicitor General, the only condition annexed to his appointment being, that he was not again to bring forward his Registration Bill. In making this stipulation Lord Grey showed himself a wise statesman, since it was evident that the Bill could not pass unless public opinion was in its favour, and the Government would only have incurred useless unpopularity by bringing it forward. In 1833, however, a desperate attempt was made by Mr. William Brougham, but the Bill was rejected on the second reading; and a similar fate befell it, with a yet larger majority recorded against it, in 1834. It was certainly a very mortyfying thing to him (Lord Campbell) to find that the first great act of a reformed Parliament was to crush a measure which would have been so beneficial to the people. It had been said that when a good Bill was once started it was sure to be carried at last; and he hoped it would be the case in this instance. Nothing more, however, was done after 1834, till, in 1846, a Committee of their Lordships' House was appointed to consider the burdens on land. This Committee was presided over by his noble Friend behind him (Lord Beaumont) with energy and ability, and a large proportion of its Members consisted of Protectionists and Conservatives. The report of that Committee stated the conviction of its Members that the marketable value of real property was seriously diminished by the tedious and expensive process of the transfer of land, and that a registry of title to all real property was essential to the success of any attempt to simplify the system of conveyancing. But the Government, with proper caution, would not act till another commission was appointed, consisting of Lord Langdale, Lord Beaumont, Mr. Bellenden Ker, Mr. Coulson, and other conveyancers of eminence, who, after taking infinite pains to inquire into the merits of the system, reported to Her Majesty that they had come to the same conclusion as the former Commission. This report was made to the Crown in July last; and at the opening of the present Session of Parliament, Her Majesty said, in the Speech from the Throne—

> "A measure will be laid before you, providing for the establishment of a system of registration of deeds and instruments relating to the transfer of property. This measure is the result of inquiries which I have caused to be made into the practicability of adopting a system of registration calculated to give security to titles, and to diminish the causes of litigation to which they have hitherto been liable, and to reduce the cost of transfers."

In consequence of this recommendation of the Royal Speech the present Bill had been prepared, and he hoped he had stated enough to induce their Lordships to give it a favourable reception. He would now advert to the practical evils which had been experienced from the absence of a system of registration, and which the Bill sought to remedy. These consisted of the insecurity of titles, the expenses and delays of conveyances and mortgages, and the loss and inconvenience occasioned from there being no repertory where deeds were deposited, and where they might be accessible to those who wanted to inspect them. With regard to the insecurity of titles, that was an evil of the greatest magnitude. Their Lordships were aware that in this country, and, indeed, in every civilised country, the title to land must be evidenced by written documents. A mere chattel passed from hand to hand upon parole transfer. The apparent owner was held the real owner, and no difficulty was experienced. But with regard to land, the party in possession might be tenant-at-will, or he might be tenant for years or for life, or be tenant in tail or in fee simple. Again, if he was tenant in fee simple, he might have taken the estate encumbered with the payment of portions to his brothers and sisters, and the jointure of his mother, or he might have encumbered the estate himself to the last farthing, and yet remain in possession. But when a deed was relied on, he who produced it must prevail, according to the priority of the deed. It often happened at present that a deed of prior date was brought forward to defeat a purchaser after he had paid the purchase money, the whole of which was consequently lost: or there might be a will, and though the heir-at-law might have suppressed the will, yet if the will was produced after his death, the purchaser lost the estate. There was no caution which he could exercise which would make him absolutely sure of his purchase. With respect to mortgages, the inconveniences were still greater. Land was mortgaged, but no record of the mortgage was preserved, and, therefore, it frequently happened that a person who thought that he was the first incumbrancer, found out that a prior mortgage existed, and consequently that the security upon which he had advanced his money was of little value. What was more, he not only ran the risk of having a prior mortgage preferred to his own, but even a subsequent mortgage, by the operation of what was called "tacking," or "squeezing." Allowing even that losses by purchasers or mortgagees were comparatively rare, the expenses of transfer were enormous. Every one who had had occasion either to buy land or to borrow money upon it, must be well aware of the expenses and vexations attending these transactions. For example, it was absolutely essential that the purchaser should, upon every occasion, take every precaution with the view of rendering himself secure. At the time of sale, the solicitor for the vendor gave what was called an abstract to the solicitor for the purchaser. This abstract was sometimes half a mile long, and presented a history of the title for a great many years; and, as he should show their Lordships presently, not one title only, but many, titles to the same land. The first thing which the solicitor for the purchaser had to ascertain was, the identity of the property sold. Clerks were sent into the country to examine old men about the boundaries of the property, and county histories were looked into. When the identity of the property was made out, he had next to inquire whether any terms had been created to attend the inheritance. A term of 1,000 years was generally carved out of an estate for the purpose of providing for younger children, or the like; and when the purpose for which the term was created was satisfied, it did not cease, but was kept on foot for the purpose of attending the inheritance. The expenses of tracing a title were therefore enormous, the more so in consequence of a term being a chattel, and going to the executor; so that probate had to be taken out. Then, as there were at present 370 courts in which probate was granted, there was a risk that the probate might be void, which it would be unless taken out in the proper court. These attendant terms were found so unnecessary, that, about seven years ago, his noble and learned Friend (Lord Brougham) passed a Bill through Parliament, by which they were, generally speaking, annihilated. When this supposed protection was removed, a general register of deeds became more necessary. The case of a gentleman who wished to borrow upon the security of his estate was particularly pitiable, and he seldom, all expenses included, paid less than six or seven per cent. The market rate of interest falling, he enjoyed no relief, and it was much better for him to pay the price demanded than again subject all his title-deeds to inspection. Cruel inconveniences arose, where the same set of deeds represented property in which a variety of persons had different interests; and this state of things may often have existed without a subdivision of property existing. In these instances, if a person wanted to sell his interest, the inconvenience of not being able to get his deeds was enormous. They were sometimes lost. Yet, if he wanted to sell his property in parcels, he was bound to give attested copies of the deeds, and to covenant to produce them when required; and, if he did not do so, he was liable to heavy damages. The expense of these attested copies was enormous, which would be entirely avoided if there were a regular depository where all deeds were required to be registered. When he was on the Commission of Inquiry, a case was brought before the notice of the Commissioners, in which a gentleman sold a small property which he had subdivided, and he entered into the usual covenants that he would give attested copies of the deeds, and produce the originals. He soon found this to be an alarming burden which he had taken upon himself. The purchaser was an attorney, who filed a bill in Chancery to compel him to produce the attested copies. Upon examination it was found that they would amount to more than the whole sum of the purchase money. The generous attorney then consented to waive all right to the attested copies, if the gentleman waived all right to the purchase money—a proposition to which the latter was obliged to consent. Evils of this description would be entirely avoided if a registration office were in existence, to which the parties interested might repair, and there become possessed of the true facts relating to the property. Having gone sufficiently at length into the principle of the Bill, he would next shortly state the machinery by which he proposed to carry it into operation. Because, with regard to registration, every thing depended upon the details; if they were defective, the registry office would become, instead of a benefit, a serious nuisance. The Bill proposed that there should be one registration office for the whole of England and Wales. He had no doubt that was greatly preferable to having a number of provincial offices; for, in his opinion, a multitude of registration offices would constitute a great evil. When he was a Member of the Lower House of Parliament, there was an offer made to him, that, if he would allow his Bill to be changed into a Bill for establishing registration offices in every county in the kingdom, all opposition would be withdrawn. He objected to that proposition for many reasons; for not only would the expense be infinitely greater, but the business would not be nearly so well managed—there would not be the same uniformity of system. They must either have had large districts, and then the inconvenience was just as great as if they had but one, or they should have small districts, and then the number of officials would be multiplied to such an extent as to leave no chance of uniformity, besides encumbering the county with a heavy expenditure. Then with regard to the mode of registry. In Yorkshire, in Middlesex, and in Ireland, the registration is made by giving a short synopsis of the deed, stating the parties to it, and sometimes the operative part of the deed; this was found ineffectual, and did not answer the whole purpose of registration; it did not give the necessary information. The Bill required that the deed itself, or a copy of it, should be deposited. This would be less expensive, as a copy could be made by any person, whereas an abstract would require the services of a professional man. The next point was with regard to an index. Although there was to be but one registration office for all England and Wales, there should not be only one index. The country should be divided into districts, and it was suggested that the poor-law unions should be adopted as the basis of that division. Then came a very important point, on which the Commissioners were divided, namely, the mode by which the entries should be made in the index, in order to secure an easy reference to the exact deed. The Bill which he had introduced in the lower House was chiefly drawn by one of the most accomplished and able lawyers in the profession—Mr. Duval. He would relate to their Lordships an anecdote which was illustrative of his entire devotion to his professional pursuits. A gentleman one day said to Mr. Duval, "But do you not find it very dull work poring from morning until night over those dusty sheep skins?" "Why," said the other, "to be sure, it is a little dull; but every now and then I come across a brilliant deed, drawn by a great master, and the beauty of that recompenses me for the weariness of all the others." Mr. Duval invented a system for the indexing of deeds. Before his time the only mode of reference was by means of an alphabet of the names of the grantors, but this was found to be extremely unsatisfactory—for instance, where, in Middlesex, they had 100 Joneses and Smiths executing deeds of all descriptions every day, the only way you could be quite sure that Jones or Smith had not executed a deed prior to yours was by looking at every deed that Jones or Smith ever made. To obviate this difficulty Mr. Duval devised the following plan: The first deed affecting the property was put on the register, and to that he gave a symbol, which symbol was put upon the index, and when you wished to know what deeds were made affecting the property, you looked to the symbol, and you found that they were all registered under that symbol. There was this difficulty—to identify the property described in the deed so symbolised on the index. Although he concurred in the value of the plan, he had some misgivings respecting it, and he had a longing after maps. It was then objected that efficient maps were not easily obtainable, and would be very expensive. That difficulty had been greatly supplied by the Ordnance survey. Maps had also been made for the Tithe Commissioners, and there had been also maps made for the poor-law assessment valuation. In fact, there were public maps for the larger portion of the land of the kingdom. Inasmuch as this Bill proposed that maps should be used as auxiliary to the symbol, he considered it a great improvement. It was true that Mr. Humphrey, whom his noble Friend upon the woolsack had promoted to a Mastership in Chancery

—which appointment, he begged to say, met with the unanimous approbation of the profession, and was an earnest of the manner in which his noble Friend would bestow his patronage—it was true that he and Mr. Broderip were averse to this arrangement; but, having paid a great deal of attention to the subject for many years, he was a convert to the maps. This public map should be divided into compartments, and then there would be a corresponding reference in the index to those maps. All the persons making inquiry had to do was to go to the map of the district, and see the marks of the land, and then go to the number of the index, which would tell him whether there had been any deed registered affecting the land. The next great question was with respect to notice. At present a person is affected by an unregistered deed of which he is supposed to have had notice. He believed that to be a great evil. No such rule existed in France, nor did it prevail in Scotland. But in England Lord Hardwicke had laid it down that a person who claimed under a registered deed was to have that claim postponed in favour of a prior deed unregistered, if it could be shown that notice had been given of its non-registry. More uncertainty and more litigation had been caused by this doctrine than almost by any other; and the Bill, therefore, enacted that no person should be affected by any deed which is not registered, and that the doctrine of notice shall be exploded. With regard to the general objections to the Bill, he would shortly notice them. In the first place, it was said this was a great innovation. On the contrary, it was a return to the ancient simplicity of the common law of England. Besides, this custom prevailed in some counties in England, and throughout Scotland, and had been found, notwithstanding its defects, to be most beneficial. Almost in every country in the world they had a register of some kind or another, and in no country had it been found to work prejudicially. Then, with regard to the expense of a registry office, he remembered it had been proved in the Committee, that for a sum of 20,000*l.* there might have been an iron building erected which would hold all the deeds registered in a century. Then, ten or fifteen shillings would defray all the expenses of the transmission of the deed to London. It had never entered into their imaginations to make this Bill retrospective; and with regard to the exposure which it was alleged would be consequent upon this registry, all transactions such as mortgages were generally pretty well known already in the neighbourhood of the property where they took place; but means could be taken to prevent impertinent curiosity. It was further said, that if a merchant mortgaged his property, his creditors might take alarm. What was the fact when he introduced the Bill in the lower House? It was extensively supported by petitions from merchants in the city of London, and by all the bankers of the kingdom. Moreover, there was a register of shipping transactions, and all mortgages upon ships were void if they were not registered; and wills might be seen in Doctors' Commons for the sum of one shilling. His noble Friend Lord Lyndhurst, Chief Justice Tindal, and the late Chief Baron of the Exchequer, were all strongly in favour of a registration of deeds. There was no mystery in the subject; there was not a noble Lord present who could not form as just an opinion concerning it as the ablest conveyancer, and he entreated noble Lords to judge of its merits for themselves, instead of being guided by the interested advice of their attorneys. They had it now in their own power greatly to lessen the burdens on real property, and to give more than an equivalent for what they supposed they had lost by free trade.

LORD BROUGHAM was sure their Lordships would concur with him in thanking his noble and learned Friend for the pains he had taken, not only at present, but for so many years, in endeavouring to obtain for this country the inestimable benefits of a general registry, and for the highly satisfactory statement he had now made on the subject. He believed there could be no doubt that the principle of a general registry would be agreed to by their Lordships without the least hesitation; but while he said so, he did not forget that the proper working out of this principle would wholly depend upon the details, for one might approve of the general principle of a measure, and yet find that, in its details, it would not work. He should not new enter on the subject of these details, as the question now only related to the principle of the Bill. There was, however, one addition, among others, that he thought might be wisely made to the measure before the House—and he had no doubt, when a general registry was provided, with the necessary staff of officers for carrying it into effect, that addition could easily be made—he meant the registration of instruments not necessarily connected with land. Even wills might be registered, not merely after death, as they now are, but during the life of the testators. From the want of such a registration of some place of secure deposit, no doubt many wills had been for ever lost, and many narrow escapes of such loss had been made. He might refer to a very striking instance of the latter class. A great landed proprietor died, and, as no will could be found among his papers, it was supposed he had died intestate. By accident, however, a will was afterwards found in an old carriage in an outhouse—where, by the bye, it had narrowly escaped fire—and, to the great relief of the relations of the deceased, his extensive property went as he desired it should go, and not to the heir-at-law. There was another case of a nobleman who died leaving a will involving property to the extent of 160,000*l.*, a case of which, he (Lord Brougham) had cognisance, as it came before him judicially. Search was made for the document, but it could nowhere be found. The housemaid was eventually asked if she had seen any papers lying about his room, when she replied, "Yes; she had seen a paper drop out of the bed, and, taking it for waste paper, had put it into the grate." Had it been winter, as it was summer, no doubt the paper would have been consumed; but, fortunately, on going to the room in which his Lordship died, the will was found sticking between the bars of the grate. But for this accidental discovery of the will, the property would have gone in a totally different direction from that which the testator intended. Such improvements as his noble and learned Friend proposed were of the highest possible importance, and, if prosecuted vigorously and firmly, yet temperately, would be of inestimable benefit to the country. No doubt a general registry was of the greatest importance, yet he agreed with the Commissioners, who thought it was not by any means the only improvement of which the law of real property was susceptible; it would, nevertheless, prepare the way gradually, and therefore safely, for an improvement in that important branch of the law. In recommending those gradual amendments of the law which were necessary, he would say it was their duty to steer clear of two extremes—the opinions of those who would have no amendment, no change of the law at all; and the opinions of those whom no change could satisfy. Steering between these extremes, they might go on slower, perhaps, than over-zealous and over-sanguine men could wish, yet they would proceed safely and without the danger of making any false step, which, beside its immediate mischief, would bring the cause of improvement into disrepute. Every such measure should be in its nature tentative, and we should see, after having made one step, that we had succeeded in our object, and profit by the experience thereby acquired before we tried another step in the course of legislation.

Lord BEAUMONT said, that he could not refrain from intruding himself on the attention of the House, not only on account of the deep interest he had long taken in this subject, but also from the circumstance of his being the only Member present of the Royal Commission, in which the plan of registration set forth in the Bill had been devised. Although the first Real Property Commission had smoothed the way, and prepared the groundwork for a general registration, the late Commission devoted some years to the further consideration of the subject, and many were the laborious hours it spent in preparing what it conceived to be a more perfect plan. The present Bill was the result of those labours; and he (Lord Beaumont) assured their Lordships that he rose from those labours with astonishment how the country could have gone on to the present time without a general registration of instruments affecting titles to land. In all foreign countries some sort of registration had long been established, but none of the systems adopted by Continental Powers were suited to the peculiar circumstances of this country. The law of real property in the greater part of Europe, was simple, uniform, and confined, when compared with the laws which in England regulate property in land. Here the law is complicated and extensive; it admits of the creation of all sorts of interests in the land; there are remote, successive, concurrent, and contingent interests or estates rising out of land; the power of appointment and disposition is almost unlimited in this country, while the variety of incorporeal hereditaments is much greater here than in any part of the Continent. But in proportion as the law of real property was complicated and extensive, the greater was the necessity for an effective mode of registration to protect the numerous interests existing. Many of these interests are not evidenced by present enjoyment; the possession of the rents is not evidence of the extent of interest which the party enjoys. The whole of these various estates and charges depend upon written documents. Written documents are exposed to falsification, suppression, and loss. But, even when the party holds his own title-deeds, the possession of them is not conclusive of his being possessed of the whole interest in the land he professes to enjoy. Other deeds may exist in other hands which may give claims to other parties. The title-deeds shown by the vendor to the purchaser may present a fair and complete title to the land, but the purchaser cannot be certain that a deed of settlement has not been suppressed, or that charges have not been created which may defeat on discovery the title under which he takes. The purchaser, in other words, has no positive security; no more has the capitalist who lends money on landed security. Both one and the other make lengthened investigations before they venture to deal; search on search; the counsel for the purchaser requires to see every possible document; many of these documents may not affect the title; others may refer to expired interests, yet he requires that all should be produced to guard against chances; these documents may be scattered all over the kingdom, some in one attorney's office, some in another, some locked up in the family muniment room of the owner, and some heaven knows where. At last, after all possible search has been made, much delay and much expense incurred, the title is accepted, the transfer is completed; and yet the purchaser is not secure, he is not certain that he has seen all that touches the land he has bought. The process is at the best expensive, dilatory, intricate, and difficult. Where a large property is subdivided and sold in many parcels under the same title-deeds, the expenses incurred by covenants to produce deeds, and the making attested copies, are so great, that many persons are deterred from dealing in land who otherwise might be disposed to do so. Moreover, covenants to produce deeds often fail in their object; there is difficulty in enforcing them in a court of justice; and it often happens that where the subdivision is great, all trace of the title-deeds is lost. To remedy these evils is the object of a register; that is to say, a register, to be effective, must provide for a purchaser a ready mode of assuring himself that no document exists which can defeat or alter the title offered to him. His noble and learned Friend had related the numerous attempts made in the past to obtain these objects; it was not, therefore, necessary for him (Lord Beaumont) to allude to the practice of livery of seizen, fines with proclamation, enrolment of bargains, and recording titles. Up to the present moment no system had been adopted which met the necessities of the case. The Commissioners, therefore, suggested in their report a new plan. The two great principles of that plan, are the deposit of the original deed instead of a memorial, and the adoption of a general instead of a local register-office. By these means they believe less expense will be incurred, and more effective superintendence obtained. Uniformity of practice will also be introduced, and other similar advantages secured. If there were reasons sufficient to induce the first Commission to adopt the principle, there are still more now in favour of it. Facilities and rapidity of communication have been increased by the network of railways which now covers the country; some hundred additional places have now got post-offices; some hundreds more have got two deliveries in the four-and-twenty hours. But what, above all, will assist the working of the plan proposed, is the electric telegraph on all the great lines verging towards London. He (Lord Beaumont) had been told, by high authority, that a central office in London would not be injurious to country practitioners. As to the other principle, namely, the deposit of the original instead of the memorial, he might quote the example and experience of Yorkshire, where a memorial alone is required. The memorials there do not show how the title is affected; they point out the existence of a deed, but do not show what is in the deed. They sometimes even disguise the nature of the deed, and never tell you where it is to be found. A correct copy of the original would cost less skill in drawing up than a memorial; besides, memorials do not dispense with the necessity of attested copies and covenants to produce originals. Where deeds are deposited in perpetuity, conveyances may be shortened by reference to the deposited deed, which cannot be the case when a mere memorial is enrolled. He (Lord Beaumont) would not entertain the objection of publicity; he did not think it would be a necessary consequence of the proposed plan, and even if it were, he was no friend to concealment. He did not think it mattered much if all the world knew whether he had a life-estate or a fee-simple—was subject to a rent charge, or encumbered with a mortgage. He ought and must make these things known to the party he was dealing with, should he wish either to sell or to raise money on the security of his land. A general register would do no more than give such information to a purchaser or lender; so let them hear no more of the bugbear of publicity. He would now refer to some important provisions of the Bill, which had not been alluded to by his noble and learned Friend. The Bill enabled the registrar, under certain limitations, to remove from the register interests or estates which had expired by lapse of time, or had been otherwise satisfied. Securities for money when the money was paid, mortgage-deeds when the mortgage had been paid off, and similar transactions, would by these means no longer encumber the register, or lengthen the search when they ceased to affect the title, or have any actual existence. This process was called by the Commissioners, cancellation of instruments. Their Lordships would perceive how much labour and time would thus be saved in conveyancing, and what facilities would thus be afforded for shortening forms. It was further provided by the Bill, that a deposit department should exist in the register office for the safe custody of documents and deeds executed prior to the establishment of the register. By the deposit of title-deeds in that department, existing covenants to produce the deeds would be satisfied; and in dealing with property the title to which was derived through deposited title-deeds, no further covenants to produce them would be necessary. Of course, the deposit of deeds in this department was not to have effect as to priority, or to the exclusion of notice; in other words, they would not have the full advantage of the register. Another important provision in the Bill, which had not been alluded to by his noble and learned Friend, was the system of Caveats. The Commissioners described a Caveat as a document executed by the owner of an estate, preventing registration within a limited period from having effect as against an instrument to be registered within such period by the party in whose favour the Caveat was given. A purchaser would thus be secured against any transaction which might be effected previous to the completion of the transfer. By entering a Caveat when he made his search for the title-deeds, he would know that nothing could intervene between such search and the registration of his assurance, which could affect the title he had been offered by the vendor. Their Lordships were aware that it was the habit to raise small sums of money for limited periods by the deposit of deeds; thus temporary accommodation was useful, and would be, under the proposed system, easily obtained by simply entering a Caveat. In other words, a Caveat would act as, and in fact would be, an equitable mortgage. A Caveat would always be a registered notice. It must never be forgotten that their object was to protect purchasers; the whole doctrine of notice, constructive and actual, would, therefore, be simplified to the one rule, that nothing was notice but what appeared on the register. Unregistered deeds would be still binding as between parties, but would not be produced against purchaser or mortgagee. If a registered deed refers to an unregistered deed, the unregistered deed would not affect purchasers, but it would be at the discretion of the parties interested to bring the deed alluded to on the register. It was expected, that by allowing trust deeds to be kept off the register, the title would be simplified, and the overloading the register prevented. Another important and very difficult question arose as to the force to be given to a will against a purchaser from the heir at law. An heir at law might sell an estate which he believed himself to be the owner of, and after the sale a will might be discovered, materially altering the destination of the property, or limiting his interest in it. In that case, what was to be the effect on the honest purchaser? The Commission had proposed a limit to the time in which the will should have effect against the purchaser: if the will was not produced within two years, then the transfer from the heir at law to a *bonâ fide* purchaser for valuable consideration would be held good, and the purchaser secured. A noble Lord had stated many instances of wills being misplaced, or put by by the testators themselves in out-of-the-way places. Provision was therefore made for a place where testators might during their lifetime deposit wills and codicils for safe custody. A system of registration, to be complete, must have a department for the proper record of grants of administration, of succession, and means of proving pedigree. It had, however, been well said that the whole merit of a register depended on the form of the index adopted; for if one was not provided which would furnish a full, ready, and certain means of at once obtaining access to every document, and acquiring correct knowledge of every charge touching the land dealt with, the main object of a register would be defeated. The Commissioners gave, therefore, much of their time to the consideration of various forms of indexes; but neither an alphabetical index of names of parties, nor of places, nor even Mr. Duvál's plan as originally proposed, seemed to them to meet the case. Ingenious and able as was Duval's plan, it required an index of names of grantors, which involved all the objections arising from the constant repetition of the common names of Smith, Jones, &c. &c. His idea, however, of classification of deeds, and of the registration of the head deed under a symbol, was so admirable that the Commissioners have not hesitated to adopt that part of the plan in their recommendation. But in lieu of Duval's index—of roots of titles, and to avoid the confusion arising from names, they proposed a map index. They considered that as the most efficient mode of connecting the subject matter with the documents. By these means a purchaser would be able to get directly at every charge affecting the land. He would see at once every distinct interest created in or rising out of the land. It was the only way of effecting a complete register of fee-farm rents, easements, and other charges in the nature of incorporeal hereditaments. There were many other points in the Bill on which he (Lord Beaumont) would have fain enlarged if he had not already occupied so much of their time; but at this hour he would content himself by saying generally that he conscientiously believed that this measure would greatly tend to increase the value of all kinds of real property. It was an error to suppose that large properties alone would benefit by it; the expense of the transfer was greater in proportion in small properties, and the titles were generally more complicated; they were oftener dealt with, and delay in their case was often fatal. Small landed proprietors felt this, and as an illustration of their feeling, the copyholders on more than one manor had expressed their desire to oppose the commutation and enfranchisement of copyholds if the consequence should be to destroy the simplicity of their titles. They liked the surrender in open court, and the security of the copy of court roll; in other words, they preferred to be subject to fines, and even arbitrary fines, rather than be deprived of their imperfect registration. Should this measure pass into a law, all titles would be what they professed to be; good titles would be known to be such, and as ninety-nine out of every hundred were good, land would become more marketable, and real property more available in a commercial point of view. Dealings with it would be easy and quick; temporary embarrassments would not be so severely felt, and temporary accommodation would without difficulty be obtained. The last point to which he (Lord Beaumont) would allude, would be the advantage which traders possessing land, and purchasers from traders would derive from the measure. The Commissioners had to consider what would be the effect of an adjudication in bankruptcy on a purchaser when the bankruptcy of the vendor was caused by acts done prior to the sale. On consideration they decided that a conveyance should not be effected by subsequent adjudication in bankruptcy, or by reason of notice of the Act in which it is founded; but the creditor should be enabled to protect himself by being allowed to register notice of commencement of proceedings. At present no one liked buying from a trader, because he did not know how the land might be affected by the acts of the trader, and by notice of such acts. His property in land was therefore depreciated, and it might happen that an honest purchaser suffered unjustly. The Bill remedied that evil; in fine the object of the measure and the great principle for which he (Lord Beaumont) contended was, that a *bonâ fide* purchaser for valuable consideration should be assured that the title offered him truly represented the property, and that he had nothing to fear from unforeseen contingencies.

Lord CRANWORTH said, he did not intend to detain their Lordships, but there was one observation, and one only, which he wished to make. The Bill had been so fully, fairly, and ably brought before their Lordships by his noble and learned Friend, that to attempt to go into it would be as wearisome as it would be useless. At the same time, he thought their Lordships ought not to argue from the readiness with which they received and adopted the second reading of the Bill, that it would be passed through both Houses of Parliament without a great deal of opposition. The observation which he wished to make had reference to what was said by his noble and learned Friend (Lord Campbell), that this was not a matter of any legal mystery, or one that any Member of the Legislature ought not to be perfectly able to apprehend. It was most important that that truth should be understood, in order to the eventual success of the measure. It would not, perhaps, be useless to those who were not of the legal profession to point out what the legal advantage was which this Bill, if passed, would confer. It was this, that for the future, if a registration were instituted, the proposition which it would be necessary to have established upon the sale of an estate, would be a positive, and not a negative, proposition. Now, every person selling land had to prove a negative: that there were no other deeds affecting the title to that estate. But when the sale should come under the registration, the obligation would be on the other side, to prove a positive: that there was another deed in existence as would appear from the register. That ought to be impressed upon the mind of every one of their Lordships.

Lord CAMPBELL expressed himself highly pleased at the very pithy description of the effect of the Bill laid down by his noble and learned Friend. As the principle of the Bill had been assented to, all that remained to be considered were the details. These were still *sub judice*, and open to consideration on all sides. After the few remarks made by his noble and learned Friend, he should feel that he would be best discharging his duty by proposing that the Bill be referred to a Select Committee.

On Question, *agreed to;* Bill read 2ª. accordingly, and referred to a Select Committee.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, March 17, 1851.

Minutes.] Public Bills.—1ª Medical Charities (Ireland); Prisons (Scotland).

CEYLON—THREATENED VOTE OF CENSURE ON MINISTERS.

Lord J. RUSSELL said: Mr. Speaker, I will take this opportunity of asking the hon. Gentleman the Member for Inverness-shire whether he has made any arrangements with the other hon. Members who have precedence of him upon the Order of the Day, for bringing forward the Motion of censure upon Lord Torrington and Her Majesty's Government, of which he has given notice for the 25th instant?

Mr. BAILLIE: Sir, I have in the first place to express to the noble Lord my regret that I was absent from the House on Friday last, when he wished to put a question to me; and in answering the question he has now put to me, I must take the liberty of observing that the course which the noble Lord has thought proper to adopt is one of which, I think, I have great reason to complain. The noble Lord has stated that the Motion of which I have given notice is a censure upon Her Majesty's Government, and that therefore it is not his intention to bring forward the great financial measures of the Government until that question is disposed of; thus placing me in the invidious position, not only of obstructing the public business of the country, but of placing the Motion itself not upon its real merits, but in the position of a question of confidence or no confidence in the Government, and that at a time when the noble Lord is perfectly well aware that there is no other party in the country prepared to take office. Now, I beg to remind the noble Lord that this is a question of long standing. The noble Lord has shown much virtuous indignation within a few days; but he must be perfectly well aware, as I am, that he has been looking forward to this Motion for the last three years. I myself gave formal notice of it in the last Session of Parliament, and it is only in consequence of the extraordinary course pursued by Government, in refusing to allow the evidence to be produced, that it has been delayed so long. I think, therefore, that under these circumstances the House will be disposed to admit that I am not liable to the charge of factious motives, or of having brought forward a Motion to impede the great and necessary public business of the country. Now, Sir, I can perfectly understood the difficulties of the noble Lord's position. I can perfectly well understand that the noble Lord is anxious to escape from those difficulties, and that, perhaps anticipating defeat on this Motion, he does not wish to have the trouble of preparing and bringing forward those measures which it is his duty, as the Minister of the Crown, to bring forward in this House. But the noble Lord is mistaken if he thinks that I shall allow myself to be made an instrument of enabling him to escape from those duties which the position that he has assumed, and the great public exigencies of the country, imperatively call upon him to perform. Under these circumstances the course which I shall pursue is perfectly clear. For the present I shall remove this notice from the books, reserving to myself the undoubted right to bring it forward again whenever I may think proper so to do; that is to say, whenever the public business of the country, or of this House, is in such a state that I may be enabled to do so, without rendering myself obnoxious to the charge of impeding the great financial measures of the country. The noble Lord stated the other day that he wished to ask me a question with respect to the terms of my resolution. Does he wish to put that question now?

LORD J. RUSSELL: Sir, the hon. Gentleman has mistaken the grounds upon which I stated the view I took of the Motion which he has given notice of his intention to bring forward. The hon. Gentleman has attended for about three years to the affairs of Ceylon. He stated at the commencement of these proceedings, in moving for the Ceylon Committee, that he wished to censure the conduct of the Secretary of State for the Colonies and the local Government. He has continued in these opinions, and he wishes to bring forward a resolution in conformity with those opinions. To that course I have no objection—I cannot object to any hon. Member taking that course which he thinks proper; but that to which I object, and to which I have a right to object, is, that any hon. Member, after making a charge involving an accusation of wanton cruelty against a late Governor of one of Her Majesty's possessions, and of full, complete, and unqualified approbation by the Colonial Secretary of State of those proceedings of wanton cruelty, should not immediately bring that question before the House. This I can venture to say, that not only among numerous precedents of accusation, but of Motions of censure brought before the House, there never has been an instance of an hon. Member giving notice of that which was clearly and distinctly a vote of censure against a great department of the Government, with a Secretary of State at the head, and refraining from bringing that question to an immediate issue. It was in reference to that point that I put my question to the hon. Gentleman. I did not complain of him, because I naturally supposed that he was anxious to bring on the Motion upon the day named by himself. The hon. Gentleman framed his own Motion, and named his own day, and I had no reason to suppose that he would not bring it forward on the day so named. What I said, and what I was justified in saying, was, that the Government, with such an accusation hanging over their heads—with a Motion of censure in abeyance upon which no opinion had been pronounced—could not begin any great measure not already introduced, and must pause until this House gave an affirmative or negative to that Motion. What I am about to state I am exceedingly sorry to say, because it may comprehend not only the hon. Gentleman, with respect to whose opinions I have nothing to say, but may regard others who intend to give support to the hon. Gentleman's Motion. With respect to late transactions it was said, and justly said, of all the parties in this country who might be expected to desire to assume the administration of affairs, that their conduct was perfectly fair and honourable to each other, and that, engaged as they had been in political conflicts, no feeling of personal dissatisfaction, still less of personal animosity, was exhibited. I rejoice that an opinion was thereby spread among the public of the honourable conduct of parties, and that such was the feeling of those engaged in those transactions; but I must say, if it is to be the conduct of a great party to say that they have a charge of wanton cruelty against a noble Lord, a Peer of the realm, and late governor of a colony, and a charge against the Secretary of State of the Colonies approving of that wanton cruelty, and at the same time to hang up the charge indefinitely, never to state when they will bring the question before the House, and put it to issue, I must say that the opinion with respect to the fair and honourable conduct of public parties, at least as regards the supporters of such a Motion, must be greatly changed.

MR. DISRAELI: I believe, Sir, there is no question before the House, but perhaps I may be allowed to say that I wish to remind the noble Lord at the head of the Government, that at this moment important documents which were submitted to the Ceylon Committee, are not in possession of hon. Members. A very large volume, containing the evidence received by that Committee, has been only recently delivered, and I am sure it has not yet been perused with sufficient attention. An important mass of public documents, of the greatest interest and importance, probably amounting in quantity to not less then the folio containing the evidence of the Ceylon Committee—absolutely necessary before any Member can form an opinion—is not yet delivered to Members; and this important volume of these documents will not, I am informed, be ready for a fortnight. Under these circumstances alone the noble Lord could not have been surprised that the hon. Member for Inverness-shire should not have brought forward his Motion, as, had he brought it on, he would have submitted it under disadvantages to which, I think, the House ought not to be subjected. Remember, this is a great judicial inquiry, and the hon. Member for Inverness-shire ought not to ask for the verdict of the House after the protracted investigations of a Committee on the conduct of the Government upon a day when the House cannot be in possession of the case, absolutely necessary to elucidate and to enable the House to form a complete and just opinion. True it is that the hon. Member for Inverness-shire put his name down for the Motion on the 25th. ["Hear, hear!"] The observation has been received by cheers, for which I waited. But remember this, he is the fifth down on that paper; and to give him a *locus standi* it is necessary to make those preliminary attempts. ["No, no!"] Then what is the state of the case? The noble Lord wishes us to decide on this question in the absence of the documents. Nor is this all. I have here a paper to which the attention of the House ought to be called. At the recommendation of the Committee on the affairs of Ceylon, a Commission was sent to Ceylon, to inquire into circumstances of very great interest. The report of that Commission has been recently laid before this House, but no copy of the evidence, although a copy of that evidence was sent to this country. When the hon. Member for Inverness-shire inquired of the Under Secretary of State for the Colonies the reason the report was laid on the table, but no copy of the evidence, he was informed that by some unfortunate circumstances that evidence was no sooner received than it had been sent back to Ceylon; and the reason given was, that it was necessary for the court-martial now proceeding in Ceylon as to the conduct of Captain Watson. But in these papers I find a letter to the Secretary of State for the Colonies, and signed by the two special Commissioners that were sent out, in which they say they have sent an authenticated copy of the evidence, together with the original documents. Therefore, they did not send the evidence, but an authenticated copy of the evidence. Now, mark this; an authenticated copy of the evidence taken by those Commissioners cannot be required by the court-martial, for an authenticated copy of that evidence taken by the Commissioners would not be an official document which could be used at the court-martial. The court-martial is in possession of the actual evidence by proof of this very despatch to the Secretary of State; and therefore the unparalleled circumstance of the evidence being sent over by the officers appointed by a Committee of the House of Commons, and no sooner received than sent back to the colony, and the extraordinary reason given by the Under Secretary of State for this unparalleled circumstance is, to say the least of it, the most unsatisfactory ever presented to the House. Yet, under these remarkable circumstances, Members having only this moment received the evidence of two years' sittings of the Committee, the House not being in possession, or able to be in possession for upwards of a fortnight, of all the documents submitted to the Committee—having just experienced strong and suspicious circumstances with reference to the evidence taken by the Commissioners —under these circumstances the First Minister of the Crown gets up, and in a tone of virtuous indignation appeals to the House against what he calls the unfair conduct of a great party. Sir, if the Minister had been in the position in which he would wish to be, we could not have heard that expression; he would not himself have wished the House of Commons to have arrived at a judicial conclusion upon such an important charge in the absence of the necessary documents, and after such inexplicable conduct in the department whose conduct was impugned. The hon. Member for Inverness-shire has taken that course which good sense and good feeling dictated. I leave to the verdict of the country his conduct on this occasion.

Sir G. GREY: Mr. Speaker, it is impossible the House can help observing the remarkable difference between the arguments of the hon. Member for Inverness-shire, and those of his Friend, his leader, and his protector on this occasion. I was in the House, as well as many hon. Gentlemen now present, when the hon. Member for Inverness-shire, occupying a front place on the Opposition benches, read distinctly in answer to his name when called out by you, Sir, from the chair, the notice which he proposed to place on the table, of a Motion which he distinctly said he should submit to the House on the 25th of this month. That was not an extensive margin which the hon. Gentleman had allowed himself; he might by the rules of the House have taken a more distant day; but slowly and deliberately he rose from his seat and read the terms of the Motion, which has been characterised by my noble Friend, and which he stated was the Motion he would submit to the consideration of the House. Now when my noble Friend asks whether he will proceed on the 25th, he does not say whether he is prepared to substantiate that charge; but he says he will not stand in the way of that important business which he holds it to be the imperative duty of my noble Friend to bring before the country, and he professes a desire not to stand in the way of more important business; whereas the real reason escaped from the hon. Member for Buckinghamshire—it is, that the hon. Member for Inverness-shire is not prepared, and that he dares not under present circumstances bring it forward; and he says he will withdraw it from the paper, reserving the right to bring it forward on a future occasion. But what says the hon. Member for Buckinghamshire? He shows great zeal on the part of his Friend, but he has not mended his case. He says when the notice was put on the paper, the hon. Gentleman knew he had not the remotest chance of bringing it on. By giving the notice, he had had an opportunity of circulating the charge throughout the country, though he had neither the probability of bringing it on for discussion, nor the materials for substantiating the charge. I must say that as this is to be, as the hon. Member for Buckinghamshire called it, a grave judicial inquiry, I hope this at least is not a specimen of the spirit in which that inquiry will be commenced and acted upon by hon. Gentlemen opposite.

MR. ROEBUCK: Sir, the hon. Member for Inverness-shire has all along, from the moment at which these transactions were reported, in respect to Lord Torrington, expressed a strong opinion respecting them. He has followed very steadily, and, I think, with great credit to himself, the investigation of the whole of these proceedings. Last Session he was unable to bring the charge before the House; but now, being well prepared, he seriously proposed to bring a charge against Lord Torrington. He gave formal notice of the day on which he proposed to bring forward the Motion, and he gave a statement which the noble Lord at the head of the Administration says, and says truly, contained a charge against one large portion of the Administration, which, if not worthy of the confidence of this House, affects the credit of the whole Administration. I acknowledge the proposition of the noble Lord to be perfectly correct. I am not, however, prepared to say if, under those circumstances, in former times the noble Lord would not have pursued steadily his own course respecting other proceedings, and allowed that to come on in due course. The noble Lord, as we all see, suffers from the present weakness of his position; and because of that weakness the great interests of this country are to be sacrificed, and the hon. Member for Inverness-shire is allowed to hang over the head of a man, who has long represented this country in one of the colonies thereof, a grave charge which he has solemnly stated to the House he is prepared to make. The day on which he is to make it is stated beforehand; and now, for certain party purposes, the great interests of this country are to be sacrificed, and the character of one who has represented this country is to be held up to public scorn. The hon. Member for Inverness-shire does not withdraw the charge, but postpones it; and postpones it upon what? Not upon the statement of the hon. Member for Buckinghamshire, which is an afterthought, a quibble, a mere pretence; but he says fairly and openly to the noble Lord, "I do not think you have behaved well on this occasion, therefore I will withdraw my charge," which is a distinct criminal charge. I apprehend both parties are wrong—the noble Lord for withholding the doing of his duty, and the hon. Member for Inverness-shire for having made a charge against an honourable man, as I believe, and then postponing the charge. But of all parties who are wrong, the hon. Member for Buckinghamshire is the most wrong. Totally unconnected with the whole matter, and moreover bringing forward some charge against the Colonial Office, wholly unconnected, as far as I can see, with the charges concerned, the hon. Member for Buckinghamshire actually fabricates—if I may use the term, without intending to break the rules of the House —he actually makes a reason which the hon. Member for Inverness-shire never thought of. The whole thing is really a party fight. Let the people of this country understand that all the great interests of the country are held in abeyance—colonies, finances, every great part of our administration and legislation, is all now in abeyance—because the Administration will not go on whilst censure is threatened. At the same time, of this I think there can be no doubt, that when a man has charged openly that which is a great crime—when it is gravely charged in this House by an hon. Member thereof in his place, and he has stated that he has evidence in proof of the accusation, common justice—ordinary good faith—plain, honest, good faith, and fair play, require that there should be no shrinking from that charge. Therefore I think it right he should do so. I know very little of the circumstances, except so far as investigating for the purpose of forming an opinion; but whatever may be my opinion as to the result, to the verdict of the jury, I say, the accuser is bound, as an honest man, to come forward and substantiate his charge, and I demand of the hon. Member for Inverness-shire, as he is represented to be the accuser of this man, that he shall make and, if he can, justify the charge. Let no man treat this lightly. Let him not suppose it is only a case of misgovernment. The noble Lord is charged with no less than murder. He is charged with having committed that murder when he represented this country in Ceylon. If there be a great crime, I honour the man who brings a great criminal to justice; but I cannot say I honour the man who skulks from proving the charge which he has made.

Sir B. HALL: I entirely agree with what has fallen from the hon. and learned Member for Sheffield, and that it is utterly impossible that the Government could have taken any other course. On the present occasion it is admitted—and it must be admitted by every impartial person—that the Motion of my hon. Friend the Member for Inverness-shire was nothing more nor less than a censure on the Government; and with that feeling how could the noble Lord have brought forward the financial affairs of the country? I have no doubt hon. Gentlemen opposite desire that he should do so, that, in case of emergency, they may be relieved from the difficulty. The question at issue is put forward distinctly. Here you bring a deliberate charge of murder, and nothing less, against one of the Governors of one of our colonies, employed by the Government—a Peer of the realm, and we demand of you to go into this inquiry forthwith, according to your own notice. We see no reason for not going on with this Motion, if you thought proper to give the notice. Why do you give the notice, and why do you drop it? Is it for this reason—because at a meeting it has been determined that this question shall not be brought forward at this time? Is the hon. Member for Inverness-shire sincere in his statement, that he does not wish to prevent the noble Lord from bringing forward the great questions of finance, and therefore he withdraws it? Let me ask the hon. Gentleman and those hon. Gentlemen opposite, who are the accused? Two Peers of the realm. Is there no other place where the question can be brought forward—where an answer might be given to the accusation? If it is inconvenient to bring it forward in this House, because the financial affairs will be postponed, why not let some friends agree in this proposition who think that the noble Lords ought to be arraigned? Why not bring it forward in another place—where both Lord Grey and Lord Torrington will be present, and can answer the charge? Because you are following out the course pursued last Session, when no man would come forward in this House and attack my noble Friend the Secretary of State for Foreign Affairs; and it was left to the hon. and learned Member for Sheffield to bring forward the question here, that my noble Friend might have an opportunity to reply. Why not allow Lord Grey and Lord Torrington to meet their accusers man to man, and to answer the charges that are made? Why not bring those charges in the House of Peers, where those men sit? And, without giving any opinion whether the noble Lord the late Governor of Ceylon has been right or wrong in the admininistration of that colony, the question at issue is, if you wish to deal fairly with those men, whether you ought not to bring forward your charges in their own presence, where they can meet them and give a fair and legitimate account of their conduct? Do not let such a charge hang over them—do not postpone it, because you yourselves may have reasons for not bringing it forward, to which you cannot give utterance in this House.

Subject dropped.

ECCLESIASTICAL TITLES ASSUMPTION BILL—ADJOURNED DEBATE (SECOND NIGHT).

Order read for resuming Adjourned Debate on Amendment to Question [14th March],—Debate *resumed.*

MR. MOORE said, the right hon. Gentleman the Secretary of State for the Home Department, towards the close of the debate which took place upon the first reading of this Bill, or rather of the Bill of which this was a fraction, undertook, to use his own expression, to clear the ground for the House. But the right hon. Gentleman entered into the question with so little calm consideration—he threw himself into the question with such noise and impetuosity—he kicked up such a dust on all sides, and comported himself in such a fashion, as not only not to clear up the ground that he found encumbered, but to encumber the ground he found clear, with an almost inconceivable amount of mystification. But whatever might have been the success of the right hon. Gentleman upon that occasion, he (Mr. Moore) thought it would be conceded they had cleared up the ground considerably since then. In the first place, for ten days, at all events, they had cleared the ground of the right Baronet himself and his colleagues—and since their restoration to the shadowy mimetic position which they now occupied, they had cleared the ground of three-fourths of the Bill. They had cleared the ground also of all pretence to character and consistency on the part of its promoters. The noble Lord at the head of the Government had openly avowed that the opinions of his former life were all blunders and misconceptions, and that the present Bill was founded upon an entire change in the opinions which he had formerly expressed. He (Mr. Moore) thought the proposition of the noble Lord had cleared the ground, in the course of the discussion, of every single, disinterested, earnest, zealous, and hearty supporter of the Government in that House. He had exposed the dirty strings which pulled the puppet of intolerance, showing that the same strings which pulled up its head, were ready to pull it down again, and that the same motives which prompted to deceive, were equally facile to betray. He (Mr. Moore) could not proceed to the merits of the case without first liberating his mind of certain feelings which were produced upon it by a speech made on Friday evening, on which he could not forbear commenting; at the same time that he did not wish to encumber with such topics the general merits of the discussion. He would not have thought it necessary to dwell on the erratic flights of an exceptional individual; and he had already passed over in silence the observations of another hon. Member, in respect for his age, and in compassion for his understanding; but when the cheers of the House were superadded to expressions which he thought he could prove no Gentleman ought to have used, the weight of the sanction given to such expressions forbade his silence, and called for remonstrance. He alluded to the speech of the hon. Baronet the Member for Tamworth. That hon. Baronet's denunciations of Popery he was not surprised to hear. The low Jacobins of the Continent were said to be the Gamaliels at whose feet that hon. Baronet loved to sit, and the expressions he had used were worthy of his tutelage: the philosophy was redolent of Mazzini—the rhetoric reeked of Gavazzi; and he (Mr. Moore) entertained a charitable suspicion that the hon. Baronet was indebted to some such quarter for more than his style. He said, a charitable suspicion, for there were passages in the speech to which he alluded, which he could not conceive to have emanated from the mind of an English gentleman. A petition had been lately presented to the Queen, signed by 40,000 Englishmen. Those who presented that petition were English Peers and English gentlemen, though Papists. If the merits of the father conferred any consideration upon the son, as for the sake of the hon. Baronet it was to be hoped they did, a long line of loyal ancestors proclaimed them loyal—if high worth and unsullied character could protect gentlemen in England from the aspersions of a churl, their honour would have continued unimpeached; and yet the hon. Baronet, without a show of reason—without even the excuse of a motive—had thought proper to insinuate a most unworthy suspicion that four British noblemen, and 40,000 Englishmen, were but jesuitical pretenders to a loyalty they did not feel. He tagged on to the assurance which the petitioners had conveyed, that they were ready to "render unto Cæsar the things that were Cæsar's," a story of some "Jesuits and Roman Catholics," as the hon. Baronet was pleased to classify them, who in the reign of Queen Elizabeth had used the same words, who had been disbelieved, and who in the hon. Baronet's quaint phraseology "had been punished accordingly." But a long time before Queen Elizabeth, those words had been used by One who was also disbelieved—and "punished accordingly;" and with regard to the Jesuits of Queen Elizabeth's time—who in death as well as in life had endeavoured to follow the example of Jesus—he (Mr. Moore) would have thought that martyrdom would have been accepted as a proof of sincerity, even in a Jesuit; and that a cruel death for conscience sake would have disarmed slander, even in the recent diplomatist of Switzerland. With regard to the recent persecutions which had dyed Switzerland with blood, and to which the hon. Baronet had had the intrepidity to allude, he would not follow him; nor would he even allude to the manner in which the hon. Baronet had discharged his duties upon that occasion—recollections of which were still fresh in the memory of the House; but when the hon. Gentleman spoke of the orders of neutrality which he had received from the Foreign Secretary, and the rigid manner in which he had followed them, he might have supposed that Nemesis had joined in the loud laugh of derision with which the House had greeted the unmasking of the Jesuit. He would now proceed to state what he believed were the general subjects which entered into this discussion. The questions for consideration were properly these—First, had the late act of the Pope been an act of aggression, and had it been expressed in arrogant and insulting language? Secondly, had it been a temporal or a purely spiritual aggression? Thirdly, if the Pope had been guilty of any aggression, had that aggression been one which the Pope had reasonable grounds for believing would be offensive to the British Government and to the country; or, on the contrary, had he not reason to think that it would be considered innocent, if not acceptable? Fourthly, if any misconception had arisen in the mind of the Pope, not with regard to the intentions or wishes of Her Majesty's Ministers, but with regard to the manners, and customs, and wishes, and prejudices of the English people, had the relations which we maintained with his court and government been in any degree calculated to prevent such error or misapprehension—in other words, did the blame lie with the Pope, or with the Government of this country? Fifthly, if it should be the opinion of the House that the case called for the interference of the Legislature to protect the prerogatives of the Crown against foreign aggression, and the sovereignty of the Queen against foreign insolence, was the measure which had been introduced to the House by Her Majesty's Ministers well adapted to secure that end? As to the first point, he at once conceded that an act of spiritual aggression of the most decided character had been committed—neither more nor less than an attempt to facilitate the conversion of this country to the Roman Catholic religion; and he maintained the right of every man in a free country (be he native or alien) to make such an aggression, and to promulgate his own religious opinions, provided they were recognised and tolerated by the State. In religion, in particular, such a license became indispensable—every religion, at least every Christian religion, was aggressive. Aggression was, in fact, the vital principle of Christianity: it was the aggressive nature of His teaching that nailed our Lord to the cross; it was the aggressive character of the faith of his disciples that bared the sword of persecution against the early Christians; and faith on earth would cease to be Christian when it ceased to be aggressive. They must not imagine that they would be able to restrain the aggressions of religion by human laws. The Pope exercised an authority over our Roman Catholic fellow-subjects in this country which we could not control, an *imperium in imperio*, if they would call it so, but an empire which was not of this world, and which had already overcome stronger laws than the most reckless bigot would wish to see re-enacted. We might as well protest against the foreign influence of the moon upon the tides as attempt to resist that other unseen but resistless agency—the operation of mind upon mind, which might be called the gravitation of the intellectual world, and which was one of the first principles of creation. He did not care to deny the arrogance of the manner in which the aggression was made; but surely Parliament did not intend to legislate between the arrogance of sects, or the polemical pride of priests. They talked of political arrogance, but there was not a Turk who smoked his pipe by the banks of the Euphrates, who in the supremacy of his conceit about his own religion even approached the ineffable arrogance of an English Protestant. He thought that if all the fallen angels had entered into the souls of the English people during the present saturnalia of spiritual pride, a more completely overbearing and insulting spirit could scarcely have been displayed. Look at the language of their own meek and tolerant prelates; look at the address which they presented to our Queen, and which was received by Her Majesty, by instruction no doubt, in terms of compliment. That address used language grossly, flagrantly, and deliberately insulting to one-third of the subjects of the Queen. If they spoke of the spiritual arrogance of one foreign Prelate, and the insulting language of one foreign prince, what must the Catholics of the empire think of the arrogance of a whole hierarchy who were paid in the coin of the realm for their anathemas? What of the implied insult put into the mouth of our own Queen—to whom they owed loyalty and reverence, and who owed to their feelings, in return, a reciprocal consideration? In spiritual arrogance Ireland was greatly the debtor of England, and though they were unable to pay, they did not forget their debts. England had the power to realise its insults, to brand its arrogance upon Ireland's forehead; but the feeling of Ireland was not the less indignant because it was forced to treasure up its wrongs and bide its time; and it claimed for itself the right to be as arrogant as it pleased, without let or hindrance, from the tenfold arrogance in which England gloried. Then, as to the character of this aggression, it was impossible to overrate that branch of the subject, because if it were proved that any invasion of the temporal sovereignty of the Queen had been attempted, there did not exist a man in that House who would not protest against so absurd and insolent an aggression. But this was a grave charge, involving heavy penalties, and some onus of proof lay upon those who called upon the House for its sentence of condemnation. Now he had listened with attention to all the speeches upon this question, and subsequently read carefully all those in favour of the Bill; and it might be from prejudice or stupidity, but he could not find a speech in which it was even asserted, much less proved, how the Queen's sovereignty was invaded. The noble Lord at the head of the Government, in the course of a long speech, said he saw "an assumption of territorial sovereignty" in that part of the bull which alluded to the governing of Middlesex and other counties. But, with the exception of that wretched perversion of an eccesiastical letter, the speech did not contain a single argument, fact, or allegation, bearing out the assertion of the invasion of the Queen's sovereignty. In ordinary cases, where an insult was supposed to be conveyed by writing, the disavowal by the writer of any intention of the kind was considered sufficient, and was held to be the true intention of the writing; and if we were to take any act of our own country, and read it in the same spirit as this act of the Pope had been read, what mares' nests might be discovered? Not a deed of settlement or mortgage could be found in which there were not only palpable absurdities, but glaring falsehoods. But the noble Lord could not afford to be just upon this question. His case was not susceptible of a generous advocacy. It was in vain to state to him that the language used by the Pope was the same language which was used at the appointment of vicars-apostolic; that it was the language which was always used in cases of any similar appointment. The noble Lord could afford to forego his paltry advantage, "it was enough for him that there was an assumption of power; and he confined himself to the naked assertion that the "government" of a Catholic bishop was inconsistent with the Government of the Queen. That was nothing more than had been said, for a hundred years and more, by old women, with regard to the existence of Roman Catholics in this country, and which the noble Lord had himself scorned and derided in times gone by. The best answer to the noble Lord was to be found in the speech of the noble Lord the Member for Bath, who, speaking of the Wesleyans, said it was true that they had divided the country for the purpose of religious undertakings—

> "but if the President of the Conference, having subdivided the country for the convenience of the Wesleyan ministers, were to make known what he had done in a pastoral, such as hon. Members had lately read, and say that he 'governed' the counties of York and Lancaster as President of the Conference, he (Lord Ashley) really thought that the next thing they would near of him would be that he was under the hands of a medical man, and had been declared of unsound mind."

He would admit that if Cardinal Wiseman had claimed the temporal sovereignty with which he was charged, he also would have been a fit subject for an asylum; but he no more pretended to govern Middlesex than to be Governor General of Bombay; and the fact was, that no one believed Cardinal Wiseman to have any such intention. The hon. and learned Member for Oxford had been obliged to throw over altogether this assertion as to territorial sovereignty, and take refuge in another fine-drawn distinction between the ecclesiastical and the spiritual, which, however satisfactory to himself, he had as yet failed to make generally intelligible. The hon. and learned Member said, the whole matter at issue was the difference between the power *in foro conscientiæ*, and *in foro externo*, a difference which the hon. and learned Gentleman, on observing the somewhat mystified stare with which this lucid exposition was received, blandly and compassionately assured the House was "perfectly understood by those who knew anything about the matter." The country then, it would seem, had been convulsed with regard to a matter which could only be expressed in the language of the schools, and which a sound lawyer and lucid English speaker was unable to explain to an assembly of Englishmen in their mother tongue. The hon. Baronet the Member for the University of Oxford had said that the Church of Rome claimed authority over every baptised person, that was to say, the Roman Catholic bishops claimed authority over the Protestant as well as the Roman Catholic inhabitants of this country. Well, but did not every church profess to claim *de jure* jurisdiction over every baptised person? ["No, no!"] Some hon. Gentlemen said, "No, no;" but the hon. and learned Gentleman the Member for Oxford said "yes" in the most equivocal and explicit terms. He said that every bishop of a diocese claimed to exercise jurisdiction, not over 200 or 100 persons in the diocese, but over every inhabitant. If the hon. Gentleman's ecclesiastical law were true therefore—if every bishop of the Episcopal Church in England, every bishop of the "garrison" Church in Ireland, and every bishop of the Episcopal Church in Scotland claimed jurisdiction over every inhabitant in his diocese, was not that circumstance sufficient to silence even simulated fears? The bishops of the Church of England, strong in the Legislature, in pecuniary resources, and, as was alleged, in the affections of a resolute majority of the people, claimed all this, and yet neither the Catholics nor Dissenters felt any apprehension upon that point. Similar jurisdiction was claimed by the Scotch bishops over the whole of the anti-prelatic inhabitants of Scotland, yet the Scotch people did not trouble themselves to waste a thought upon so puerile an assumption; and the people of Ireland, while they protested against the superfluous existence of the Protestant bishops in that country—while they protested against the appropriation of the ecclesiastical revenues, were perfectly indifferent as to their claim upon their souls, so long as they kept their hands out of their pockets. But the hon. and learned Member for the city of Oxford said that if the Roman Catholics went on with this assumption, the canon law might be introduced; if that were done, the edicts of the Pope might supersede the law of England; and if the edicts of the Pope came to supersede the law of the land, the Pope might depose the Sovereign, and absolve the subjects from their allegiance. The hon. and learned Member went on to say, that if the Roman Catholic priests in this country were allowed the full exercise of their privileges, the upshot would be that we should have them denying absolution to such of their communion as might refuse to obey the mandates of the Church of Rome; and then he referred to the case of the Sardinian archbishop and the Siccardi law, and other stories which he detailed to the House for the twentieth time during this discussion. He could only say that he would not defend that Sardinian prelate, if what had been alleged against him were true. But with regard to the list of evils which were anticipated by the hon. and learned Gentleman—look at Ireland, where the people were devoted to their clergy, and where, with all the facilities for the growth of the evils which the hon. and learned Gentleman predicted, those evils, he might almost say were the only ones which did not exist in Ireland. Who feared the canon law in Ireland, unless it were the cannon law of this country? Who looked to priests to absolve them from their oath of allegiance? English legislation was a far more efficient absolution. Who feared bringing an action against a priest if he had a claim against him? The only suitor who had reason to fear a verdict, was the Government when prosecuting under this Bill. And did the hon. and learned Gentleman believe that he could gull any one but a fanatic into the conviction that what had not succeeded in Ireland was to be apprehended amongst the people of this country? But the vague and inconclusive facts of the noble Lord at the head of the Government, and of the hon. and learned Gentleman the Member for the city of Oxford, were set aside by the language of the hon. and learned Attorney General, who in a few plain and pregnant sentences completely demolished what might be called the sentimental view of the question. The hon. and learned Gentleman said—

> "As to the insult that had been offered, it would be useless to say anything. With regard to the injury inflicted by the bull, it undoubtedly affected the Roman Catholic branches of the community, but it was, however, of a twofold nature. The first injury was of a spiritual, the second was of a temporal character. With the first he apprehended they had nothing to do; and if it was possible for them to separate completely any questions with respect to the spiritual and temporal effect of the introduction of the bull, and the assumption of titles thereupon, it would be well and fit for them to do so, apart from the question of what was due to the honour and dignity of the country. It was said the effect of the bull in temporal matters would be to give to certain persons assuming the titles of archbishops or bishops of dioceses and sees the power of dealing with appointments relating to religious endowments made by Roman Catholics; that it would enable them to deal with the property given to support charities, or for other religious purposes, in a different and more extensive manner than at present, and that the result would be to give to those prelates powers not intended to be conceded to them by the persons who founded those institutions. As to the spiritual power introduced, he had not heard it suggested, nor had he seen it in any of the publications he had read, that there were any specific powers which might be enforced by the bishops of these pretended sees, distinct or different from the powers which might have been enforced by the bishops *in partibus* and vicars-apostolic, or anything to show they were not as great in one case as in the other; but with respect to the temporal power, it was of importance, he apprehended, to stop the assumption by any person being, or pretending to be, as undoubtedly these bishops must profess themselves to be, under the canon law and dependent on the Pope of Rome, of dealing with the rights and interests of British subjects in a manner different from and inconsistent with the manner which had hitherto obtained." —[See 3 *Hansard*, cxiv., 292–3.]

So stood the question of the aggression against the sovereignty of the Queen, in the opinion of the first law officer of the Crown. "As to the insult that had been offered, it would be useless to say anything"—with regard to the spiritual inquiry, "they had nothing to do;" and as regarded the temporal aggression, it affected exclusively the Roman Catholic people of the country, who unanimously deprecated our interference; and for this their Christianity had been torn to shreds, and the passions of the people had been turned against each other in the name of Him who first preached charity to men. Then it was to be considered whether this aggression was one which the Pope might reasonably have conceived would be offensive to the Government, or whether he had not just ground for believing that it would be considered as innocent, if not acceptable. Upon that point the noble Lord had made a confession so complete, that it was hardly necessary to enter into that part of the question. The noble Lord acknowledged that what he was now doing was in contradiction to what he had said at a former period; he said he had changed his mind. In 1844 the noble Lord said that the clause prohibiting Roman Catholics from settling themselves by the names of dioceses was a very absurd provision. Now he thought it necessary for a new statute to enforce that absurdity. In 1845 he thought it necessary to "assign to Roman Catholic bishops titular districts which might not interfere with other persons;" and now he thought it insidious and audacious to carry out his own suggestion. In 1846 he said he considered the old statutes upon this subject to be puerile and absurd; and in 1851, for a consideration, he was willing to insert into those worn-out puerilities fresh grafts of fanaticism, of which we had already seen the blossoms, but of which we had yet to gather the fatal fruits. As for the answer which the noble Lord made to the hon. Baronet the Member for the University of Oxford, that he would not give his consent to the formation of dioceses in England, so far from bearing out the insinuation that he had intimated an intention to resist the formation of such dioceses, no one could read that carefully-worded declaration of the noble Lord, and understand it in any other sense than that it was not the part of the State either to consent to such appointments, or to resist them.

And now, if any error had arisen on the part of the Pope in this matter, as to the wishes, the feelings, or even the prejudices of the people of England, had the relations which this country maintained with his Court been calculated to prevent misapprehension, or in accordance with the dignity of the Legislature, and with the duty which it owed to the Roman Catholic subjects of the Crown?

Was it even in accordance with English truth and manliness to go on, generation after generation, ignoring facts that stared them in the face; knocking their heads against a post because they would not acknowledge that it was in their way, and then abusing the poor post as an insolent aggressor? There was no country but England in which such a stupid fiction as the non-existence of the Pope's spiritual authority could be maintained; but such arrogant fictions were not singular, or even unusual, in the history of their national conceit. They called their sovereigns Kings of France for centuries after they had ceased to possess a foot of the French soil; and Members still swore that the Pope had no spiritual authority within these realms, when the contrary was as well known to them as their own existence. He (Mr. Moore) verily believed that there was a time when this country would have gone to war, rather than have renounced the former arrogant falsehood; and they were now prepared to encounter even a worse evil than war itself—to convulse their own country, and embitter the hearts of their fellow-subjects, rather than surrender another falsehood as imbecile and presumptuous.

Did any one, who now complained of the arrogance or folly of the Pope, remember the debate in that House on the diplomatic relations with Rome?—a debate in which an orator and a statesman, in proposing a great measure of policy to a great nation, instead of urging the important reasons of state which sustained his own connections, was obliged, in charity to the infirmity of their fanaticism, to fool them with a mock statement, to treat them like very children, to avoid the real circumstances that justified the Bill before the House, and to argue it on grounds that had nothing to do with the question at issue. And the noble Lord laughed in their faces as he went through this melancholy compromise between their general sense and their one weakness; and they laughed in return as they endured it. And what were the objections that had been raised to the measure? Why, the hon. Baronet the Member for the University of Oxford, who might be called the leader of his party in the House, and who was at least as reasonable and as well-informed as any of that party, had coolly informed the House that, as long as our relations with the Court of Rome were conducted in secret, surreptitiously, underhand, and by irresponsible agents, he had no objection to their continuance; but to any attempts to carry out the same objects openly, directly, and in the face of day, he felt it his duty to offer the most decided opposition. In this miserable fashion the Bill had struggled through the House; but in another place, through which the hon. Baronet had alleged that the measure had been hurried with breathless haste, so far from that having been the case, an important antiministerial division had already taken place, by which a proviso, at once arrogant, uncourteous, and inexpedient had been added, which rendered the whole Bill inoperative and impracticable.

And in this position our Government at that moment stood towards the spiritual and ecclesiastical head of ten millions of its subjects; and he (Mr. Moore) would ask all considerate and reflecting men, whether in thus acting they were doing their duty towards their Roman Catholic fellow-subjects, or justifying the claim of undivided allegiance with regard to which such unjust suspicions had been expressed? Government, like property, had its duties as well as its rights, and it could not assert the one so nobly or effectually as by the performance of the other.

But if, notwithstanding all he had said, the House considered itself called upon to defend the Crown against aggression and insult in this matter, was the course recommended by Her Majesty's Government the best fitted to carry out that object? It appeared to him that it did not carry out that object at all. A Bill to prevent the assumption of ecclesiastical titles was not a Bill against foreign aggression, nor was it an enactment against the real evils of which they complained. It did not affect the foreign Power that conferred, but the subject that assumed, the ecclesiastical title; and the real crime of which they complained, the real and actual division of the country into dioceses, they did not attempt to interfere with. It appeared to him therefore, that, if anything was to be done, the resolutions of both Houses, such as Lord Aberdeen suggested, would meet both the foreign aggression and the assumed title more directly, and with more dignity. It would confirm their ancient fiction, if the House were determined to retain it, that the Pope neither had, nor ought to have, any power or authority, ecclesiastical or spiritual, within these realms: while it would not weaken the majesty of the law itself by enacting statutes that were not intended to be enforced, or enforced in one part of the empire, and derided in the other; an aggression far more fatal to the national dignity, and far more insulting to the national sense, than could possibly be inflicted upon this country by any foreign Power.

MR. WIGRAM said, he desired to state to the House the grounds which induced him to support the second reading of the Bill, and led him to think that on the present occasion legislative interference was called for.

Before, however, he stated the reasons which induced him to take that view, he wished to observe, that although many Members had treated the recent act of the Pope as one of very little consequence to this country, in respect either of its civil or religious liberties, and as one of speculative opinion merely, he was satisfied that such was not the case; and he stated this not as matter of mere opinion, but because his conviction was confirmed by the example and the history of nations around us. Wherever they found the system and influence of Rome prevail, there they found also the liberty and prosperity of the people impaired. Wherever they found that system and influence checked and restrained, there and in like proportion they found also liberty and prosperity prevailing. He must apologise to the House for calling its attention to examples so obvious; but he would mention only some that were most prominent. Look at Italy, a nation the most favoured, perhaps, in Europe, in every natural qualification. Under the system of Rome it had sunk into the lowest state of degradation. Look at Spain, at one time the greatest nation on the face of the earth. Under the system of Rome it had sunk to be the lowest. Turn to the United Provinces—a State not favoured, in comparison with surrounding nations, by any particular natural advantages; under its free Protestant institutions it had risen to a position quite out of proportion to its importance, in relation to surrounding Catholic nations; and that position it had retained for centuries. And in our own country, where was the starting point of our own greatness in commerce, in literature, in science. and in politics? His answer was, the Reformation. Again, compare the history of Scotland with that of Ireland. Under its free Protestant institutions, Scotland had been prosperous and happy; but of the condition of the sister kingdom of Ireland, it was melancholy to speak. Take the case of Switzerland, where there were Roman Catholic and Protestant cantons side by side. The traveller passing from one to the other might tell at once by the very aspect of the people whether the province they were in was Catholic or Protestant. Nor were these results confined to European experience. Look at America. They would find there the same results prevailing. In Protestant Upper Canada the people were prosperous and energetic; in Roman Catholic Lower Canada they were in a state of comparative stagnation. In the United States of America, where Protestantism prevailed, the people were amongst the freest and most prosperous on the face of the globe. If they proceeded to Mexico, Peru, and Brazil, all Roman Catholic countries, they found the people, one and all, in a state of the greatest degradation. He did not wish for one moment to suggest that these results were to be attributed to the errors of the Romish faith. He could see, as a Protestant, much in that faith that was extremely erroneous; but he did not ascribe those peculiarities to the faith of Rome. He imputed them, however, to the ecclesiastical system of Rome. He found a cause uniformly accompanied with a result. He found that cause adequate to produce the result, and no other cause could be assigned for it. That read an example and gave instructions to the Government of every State in which the system of Rome prevailed, to endeavour, without infringing on the free exercise of religion, to keep that system within its proper limits and under due control. But, it was asked, what is there in the recent movement of the Pope which calls for legislative interference? He did not conceive that there was anything in that movement, so far as it was truly and clearly a religious movement, that did call for such interference. He was the last man who would wish to interfere with any truly and purely religious movement by any act of legislation. If movements of that kind were to be met adequately and effectually, they must be met by a very different movement from any legislative one; they must be met by counter movements of the like kind, and especially by diffusing among the people, in all parts of the United Kingdom, sound and scriptural education. No other means could be devised by the wisdom and wit of man effectually to oppose this, considered as a religious movement. But this movement bore also an aspect of a very different kind. A challenge had been thrown out, and we had been asked, "How is this movement to be termed an aggression, and upon what is it an aggression?" He apprehended that it clearly was an aggression upon those principles which ought to be held sacred in this country, and especially by Roman Catholics. The basis of the compact upon which the Emancipation Act of 1829 was passed was this—that Roman Catholics conceded and admitted that in respect of temporal matters the Pope of Rome had not, and ought not to have, any influence, power, or authority in this country. Those were the terms of the oath inserted in the Act. Now, he could not look at the introduction of this bull without considering it a direct infringement of that principle. He considered it to be an aggression, upon grounds which had been already stated, and which could not be too much dwelt upon and studied, namely, that the object, and the sole object, of the introduction of the Pope's bull, and the establishment of a hierarchy in this country, was to introduce here the canon law, which assumed to interfere directly with respect to temporal matters in this country. This had been already stated and proved; but they needed no proof of it, because this very thing was most distinctly affirmed by Cardinal Wiseman to be the sole object of the introduction of the bull. In his Address, he said it was suggested that provision for the religious wants of the Roman Catholic people of this country could be introduced only in one of the two following forms:—

> "Either the Holy See must issue another and full constitution, which would supply all wants, but which would be necessarily complicated and voluminous, and, as a special provision, would necessarily be temporary; or the real and complete code of the Church must be at once extended to the Catholic Church in England, so far as compatible with its social position; and this provision would be final. But, in order to adopt this second and more natural expedient, one condition was necessary, and that was, the Catholics must have a hierarchy. The canon law is inapplicable under vicars-apostolic."

It was plain, therefore, that when the See of Rome was considering how it should meet the application that had been made to it, it was decided not to frame a new constitution applicable to vicars-apostolic, because that would have been complicated and voluminous, and so it was determined that a hierarchy should be established here solely with a view to introduce the canon law. It was also equally clear, that the canon law that was to be so introduced, included in it that which was a direct violation and aggression of the principle of the Emancipation Act. For it includes an assumption as of right on the part of the Court of Rome to interfere in respect of temporal matters. So much had been already said on this being a feature of the canon law that he would not trouble the House with citing any further passages; except that he would notice one author to show that this doctrine of the canon law was no antiquated provision; it had been recognised and insisted on in modern times. In the most recent work on the canon law, that of Reiffenstuel—*Jus Canonicum, Romæ*, 1831, referred to by Mr. Bowyer, and other writers as of the first authority, after noticing that the legislative power of the Roman Pontiff was derived immediately from God, and the civil power from man, there was the following passage:—

Mr. Wigram

> "The Supreme Pontiff, by virtue of the power immediately granted to him, can, in matters spiritual, and concerning the salvation of souls and the right government of the Church, make ecclesiastical constitutions for the whole Christian world. It must be confessed, notwithstanding, that the Pope, as vicar of Christ on earth, has indirectly (or in respect of the spiritual power granted to him by God in order to the good government of the whole Church) a certain supreme power for the good estate of the Church, if it be necessary, of judging and disposing of all the temporal goods of all Christians."

He hoped that after that it would not be said, that the object of establishing a hierarchy here was not to establish a system which assumed the right to act in respect of temporal things. He said that the object was, to introduce into this country a foreign Power claiming jurisdiction in regard to temporal matters; and that was clearly a ground upon which the Legislature was called upon to interfere, and to uphold the principle upon which the Emancipation Act itself was passed—he meant the principle that the Pope was not to interfere in temporal matters.

And now, with respect to the particular mode and manner in which that interference was intended to be made, he must say that, whether the proposed measure ought to be larger or smaller, it was at least directed to that which was the overt and ostensible act—that act which aimed at establishing here a hierarchy, in order to the introduction of the canon law, with its claims to power in temporal things. There was also a distinct ground for interference on this occasion, in the assumption in this country of territorial titles. That, he concurred in thinking, was a violation of the Queen's prerogative. Those titles might be ecclesiastical in part, but were most certainly also temporal. It was the exclusive right of the Queen to confer territorial titles here, and the Pope of Rome had no more jurisdiction to interfere by appointing a bishop with a territorial title than any other foreigner had to introduce here a nobleman with a title taken from some English territory. The objection which seemed to him to have been most urged against legislation, was one that a good deal surprised him, namely, that whatever might have been at one time the objections to Papal interference, there was no ground to apprehend mischief from it in the present day—because, although the Pope formerly had political power, the world moved on, and at the present day his power was religious only. Now, he could find no mitigation or withdrawal of the old claims of the Popedom; and, if the interference of the Pope was not in some of the States around them so mischievous as in former days, it certainly arose from this fact, that in recent times every civilised nation resisted the domination of the Pope, and took care to restrain Papal interference within proper limits. The opponents of legislation on this subject had insisted strongly that the Bill would be an invasion of the principle of religious liberty. It was rather hard to be pressed so strongly with that argument in favour of a system which was not itself a friend of, but was opposed to religious liberty. It was not for him to doubt the sentiments in favour of liberty expressed by Roman Catholic Members; but those views were not common to Roman Catholics generally. Among large bodies of Roman Catholics, at least, very different views upon that point were entertained. Even in the present month of March, he took up a number of a Roman Catholic journal, extensively circulated, and he found that subject spoken of in these terms. It was in the *Rambler*:—

> "All that we plead against is the adoption in any measure of that preposterous cant of the age, that the secular power, as such, is bound by its duty to God to extend equal toleration to all religions, irrespective of the peculiar circumstances which may attach to each separate case. To say that every man has a right to adopt such a religious creed as he pleases, is untrue; to say, also, that the temporal power is never called upon to put obstacles in the way of the propagation of religious errors, is also untrue; but it is perfectly true that the English law professes to tolerate us, and on that ground, as well as on our indefeasible rights as the only true Church, while we meddle not with the claims of the sects about us, we take our stand."

He believed that that much more truly represented the views of Roman Catholics generally, than what they had heard in that House, on the principle of religious liberty. He was himself a firm friend to religious liberty, and would not countenance any act which infringed upon that principle. But besides religious liberty, there was civil liberty; and it was part of the civil liberty of every subject of this country that no foreigner should have the power of interfering here. No man had the right of bringing whatever he chose to call religious liberty into conflict with the civil liberty of the rest of the community. He should not wish to trespass longer on the time of the House. It was the duty of the House of Commons to protest against this movement; and if the measure introduced by Her Majesty's Ministers did not fully come up to the wishes of those who were most strongly opposed to this measure of the Pope, it was at least such as precluded the silence of acquiescence. He was quite sure that this practical good at least would arise from it—that they would protect themselves from the imputation of having acquiesced in a movement altogether wrong in itself, and that ought to be resisted. If this aggression were permitted, it would only form the stepping-stone to another; and when the other was introduced, they should be told that they had not protested against the first—that they had not objected to it—that there would be inconsistency in repelling it, as they had tacitly admitted and recognised the principle—and that they were too late with their objection. Therefore, the time to resist was, when the principles which we had always cherished were first invaded—the maxim to be acted on was *principiis obsta*—and not to let it be said they had abandoned the ground upon which they ought to have taken their stand. As to the form of the measure, he confessed he did not think it was so comprehensive as it ought to have been. He thought it should have been extended to condemning the introduction into this country of the Papal bull; and that it might be framed so as to give to the Queen a power by proclamation to prohibit any future steps of the same kind that might be taken. He was of opinion it would have been useful to vest in the Executive Government power for prohibiting any step of a similar kind. But cases of this nature ought to be undertaken by the Government. And believing that the Bill, though not as effectual as they might desire, had been framed in an honest and sincere spirit to repress this foreign encroachment, he would record his vote for the second reading.

MR. E. B. ROCHE said, the hon. and learned Gentleman who had just sat down had pointed to Ireland as a case in which the Catholicity of the country had rendered her unhappy, and caused her to be misgoverned. Now he (Mr. Roche) could not refrain from protesting against such an assertion, for Ireland was governed under the influence of the Protestant Church, maintained by Protestant bayonets, for the benefit of Protestant garrisons. Of all the countries in the world, Ireland had been the least governed on Catholic principles, and the least in unison with the feelings of the people. Ireland was a stigma and a disgrace to this Protestant country, because she had been always legislated for with a view to sectarian principles, and in opposition to the feelings of her people. He objected to the measure because it was an infringement of the Emancipation Act; for the preamble, after stating that the Emancipation Act had given the Roman Catholics the power of taking titles from any places not already occupied by archbishops or bishops of the Church, went on to enact that it should not be lawful within the united kingdom to take titles from any places whatever in the united kingdom. This was a clear violation of the charter of the liberties of the Roman Catholics of both England and Ireland. The Government had stated their intention of altering the Bill so as to make it less stringent than when it was first introduced; but he doubted whether the erasure of the second and third clauses had effected any improvement in that respect. The Government had said that the erasure of these two clauses would leave the Roman Catholics the endowment of their churches. Now, if the Government were sincere, the first clause ought to go along with the others, because it was equally unfriendly to the endowment. The Bill in this case would be only a mockery and a snare, and for that reason he was bound to oppose it. It was important to know the effect of the alteration proposed, and he hoped the law officers of the Crown would give the House an exact definition, because a high legal opinion had been given to the effect that if the first clause were retained it would prevent the Roman Catholics from taking endowments from the laity for the benefit of the Roman Catholic Church. With respect to the state of legislation on this subject, he would read the opinion of the highest authority. During the debates on the Emancipation Act, in the year 1829, the Duke of Wellington said—

> "In 1782 a law was passed in Ireland which prevented Catholic priests from assuming the titles of the Established Church; but that law was repealed by the Act of 1793, and since then the assumption of these titles had increased." [2 *Hansard*, xxi., 560.]

Now, what was the effect of this? Previous to 1782 the Roman Catholic prelates could assume any titles they liked either in this country or in Ireland. In 1782 a stringent law was passed to prevent the assumption of titles. In 1793 that law was found to be so intolerant and unjust, and so much opposed to the true principles of religious liberty and freedom, that it was repealed; and from 1793 to 1829 the Roman Catholic prelates were free to assume any title whatever. In 1829 the Roman Catholics very improperly consented to abandon these liberties to a certain extent, and were prevented by law from assuming the titles of places occupied by Protestant archbishops and bishops in this country. From that time to the present, that law had been acted upon: but the present Bill would go back to the spirit of 1793. This was legislating on a principle of which this country ought to be ashamed. He opposed the Bill for another reason. It was called a comprehensive measure; but as the Government would never be able to extend it to Ireland, it would be to all intents and purposes a delusion on the country at large. If the measure was to be extended to Ireland, were the Government prepared to carry it out? Did they suppose they would be able to get a conviction from any Roman Catholic jury in Ireland? No. And if not, would they dare to venture to pack a Protestant jury to try a Roman Catholic bishop? If they introduced this Bill, and attempted to carry it out in Ireland, they would be shipwrecked on the rock on which all Governments had been lost. They were legislating for Ireland on the worst possible grounds. Heaven knew that that country had enough of bad laws, and by keeping them up they were encouraging a bad spirit there; but when they passed a law like the present, they were rousing a spirit of discontent and disaffection amongst Irishmen which every writer and speaker in this country had long been flinging in their face. They, the representatives of Ireland, warned the Government that laws like this never would be or could be obeyed in that country. But it was said that the measure was extended to Ireland because it was wanted to maintain the Queen's spiritual supremacy. Well, if that were the fact, was it not also necessary to extend it to the Colonies? Yet how had Earl Grey and even Lord Stanley—much to their honour—acted in respect to the same question in the Colonies? At Sydney, in Australia, a bull of which they complained here had been introduced some time ago for the same purposes as that which was sought to be effected by the one lately issued by the Pope for this country. The Protestant bishop of Sydney brought the matter before Lord Stanley, at that time Colonial Secretary, who acknowledged his letter, and gave him a very short answer, and not a very satisfactory one. He told him he did not think it was any affair of the Government. In North America they had the same thing, and Dr. Wiseman had brought it before the Colonial Government of Lord Stanley, who returned the following answer by his Under Secretary:—

> "It does not signify to us whether you call yourselves bishops or vicars-apostolic: so long as you do not ask us to do anything for you, we have no right to prevent you taking any titles amongst yourselves."

Well, then, what became of the arguments of the noble Lord? for that bull which was identical with the bull introduced into England, was not considered to interfere with the Queen's supremacy in the Colonies. How could they turn round now and say that this Bill interfered with the Queen's supremacy? He did not believe that there was any man who had arrived at years of discretion who really thought that the bull interfered with the supremacy of the Crown; but there was a puritanical spirit of intolerance and bigotry abroad which had been got up by the Protestant bishops and clergy, and it was that bad spirit, and not any conviction that the Queen's supremacy was endangered, which made them now attack unfortunate Cardinal Wiseman, and the Romish hierarchy. But they were going to do something more absurd still, and to extend the Bill to Scotland, where there was nobody who admitted the doctrine of the Queen's spiritual supremacy. The right hon. the Home Secretary proposed to extend the measure to Scotland, but said he would introduce a clause exempting the episcopalian bishops of that country from any penalty for assuming titles to which they had no legal right. Could anything be more monstrous? The episcopalian bishops of Scotland were in precisely the same position as Dr. M'Hale occupied in Ireland, and yet they brought in a Bill to abolish Dr. M'Hale's right to assume the title of a bishop, while a clause was inserted exempting the Protestant bishops in Scotland from a penalty for doing the same thing. Why, this was most flagrant injustice. And the only reason that could be assigned for such a proceeding was, that there was no fixed principle of acting observed towards Ireland, but things were done to her at which their hair would stand on end if they were done in this country. The hon. and learned Member for the city of Oxford, a man of high principles and strong religious convictions, commenced his speech the other night by saying that he had the greatest deference and love for civil and religious liberty; but he nevertheless made a speech which, in his (Mr. Roche's) opinion, was as replete with bigotry and prejudice as any he had ever heard made by any man in that House, and it was unusually wanting in that first principle of Christianity, charity towards his neighbour. The hon. and learned Gentleman said, that he would not have the canon law introduced into England, because it would interfere with the temporal rights of the laity; and the hon. and learned Member who had just sat down said pretty much the same thing. He (Mr. Roche) was surprised how any man acquainted with the law could believe that the introduction of the canon law could interfere with the temporal rights of the laity. Why, how could the Pope enforce the canon law? Could he enforce it in any of the courts of law? It was perfectly monstrous to suppose so. The canon law would be only obeyed by those who thought they were warranted in obeying it; but no one—neither the Pope nor Cardinal Wiseman—could make them obey it if they did not please. If that were so, he wanted to know why this Bill had been introduced? For his part, he believed it had been introduced and extended to Ireland solely for the purpose of bolstering up the Protestant Church in that country. No rational man could find any other reason except that. The Protestant Church of Ireland had been found by an almost universal verdict to be based on injustice, and to be nothing but a badge of conquest. This consideration alone formed a good reason for voting, as he should do, against the present Bill. The Duke of Wellington had formerly made a direct declaration that the clause of the Emancipation Act, which they were now proposing to make more stringent, would be found of no effect. An Amendment was proposed, embodying pretty much the same principle as was contained in the present Bill. The Duke of Wellington opposed the Amendment; and as to the clause, said that—

> "According to the law of England the title of a diocese belonged to persons appointed to it by His Majesty; but it was desirable that others appointed to it by an assumed authority should be discountenanced, and that was the reason why the clause was introduced. This was one of the instances which showed how difficult it was to legislate upon this subject at all. He was aware that this clause gave no security to the Established Church, nor strengthened it in any way, but it was inserted to give satisfaction to those who were disturbed by this assumption of title by the Catholic clergy."

At the same time the Earl of Malmesbury, a consistent opponent of emancipation, said—

> "That he had on principle always opposed Catholic emancipation; but that point having been carried, he would not encumber emancipation with restrictions like these which were of no use. To exclude Catholics from seats in Parliament would have been a *bonâ fide* security; but to call these clauses securities was a joke, and worse than a joke, for they would only tend to keep up that irritation which it was the object of the Bill to allay."—[2 *Hansard*, xxi., 560.]

The Protestant Church could have only one protection—it must have itself rooted in the hearts and affections of the people of this country; and if it were not so rooted and fixed, no legislative measures would do more than indicate its weakness. He believed there never would have been a word about this Papal aggression, if it had not been for the spirit of Tractarianism, which prevailed in the Protestant Establishment of England. The noble Lord at the head of the Government commenced the crusade by the Durham letter, which had obtained singular notoriety. In that letter the noble Lord said—

> "There is a danger, however, which alarms me much more than any aggression of a foreign sovereign. Clergymen of our own Church, who have subscribed the Thirty-nine Articles, and acknowledged in explicit terms the Queen's supremacy, have been the most forward in leading their flocks 'step by step, to the very verge of the precipice.'"

Now, he (Mr. Roche) wanted to know from the noble Lord at the head of the Government why it was that he had not attempted to set his own house in order before he entered into the house of another. What were the facts respecting Tractarianism in this country? It was perfectly notorious that, within the limits of this metropolis, there were no two churches in which the service was performed in accordance with the strict rules of the Act of Uniformity. They had all heard a great deal about the Rev. Mr. Bennett, of whom he (Mr. Roche) wished to speak with the greatest respect. It was said, you must screw Mr. Bennett down to the Rubric; but if that were so, why were not others screwed up to the Rubric? He would give the noble Lord some cases on which he might vent his reforming spirit if he pleased. Every one knew this, that the Book of Common Prayer was nothing more than an Act of Parliament. In that Prayer-book they had the Rubric, which was part of the statute law of the land. Now a book had been published by a society, called *The Ecclesiastical History Society*, which was patronised by Prince Albert, three archbishops, and forty bishops. The book was entitled Stephens's *Book of Common Prayer*, and in the introduction to the second volume he found the following passage:—

> "It is remarkable, that at the Chapel Royal, St. James's, and at the chapel of Trinity College, Dublin, the holy table is placed east and west, close to the north wall, and consequently in such a position that it is impossible to get at its north side. At the Chapel Royal, Whitehall, the holy table is placed east and west, close to the south wall, so that the front of the holy table is its north side. In every one of these chapels, therefore, so sacred a rite as the holy communion is not performed in accordance with the Rubric—although they are places where it was to be expected that rubrical observance would have been the object of especial care."

He also found in the introduction to the first volume this passage:—

> "That the Book of Common Prayer should be presented to the members of the United Church of England and Ireland without the slightest omission or interpolation, the Universities of Oxford

and Cambridge, and the Queen's printers, have had, for the avoiding of all disputes in time to come, peculiar privileges granted to them for the printing of that book; but they have violated the sacred trust that was reposed in them, and those bodies and printers cannot at the present moment produce a single edition which is in accordance with the sealed books."

And in confirmation of this statement, the Bishop of Meath, in a letter to the editor respecting the English and Irish Prayer Books, thus observes—

> "I am fully sensible of the inaccuracies of the Oxford and Cambridge editions. The Oxford seems to me to be the most inaccurate of the two; so much so that when I was superintending the printing of the last edition of our Irish Prayer Book, I soon threw the Oxford edition aside, but compared every word with the Cambridge edition, folio, which, however, I found to have been corrected by several different hands, from various dissimilarities in different parts."

In the same introduction, too, there is the following passage:—

> "Respecting the edition of the Prayer Book printed at the Clarendon Press, Oxford, 1796, it has no table of contents. It begins with the Table of Proper Lessons, and ends with the Psalter. Almost every Rubric is either omitted or altered, only six of the sentences at morning and evening prayer are given, many of the alternative canticles and prayers are omitted, and the four prayers and thanksgivings which appear, instead of the nineteen in the sealed books, are printed as part of the Litany. In the Communion Service, the second prayer for the Sovereign, and the second exhortation are omitted. The Offices of Baptism and Matrimony, &c., are also omitted."

And with respect to the quarto edition of the Prayer Book, published by the University of Oxford in 1848, Mr. Stephens, in the introduction to his second volume, asserted that it contained above 12,500 deviations from the real matter it affected to reprint. Well, there was room enough for the reforming spirit of the noble Lord at the head of the Government, without meddling with the affairs of the minority in this country, and the majority of the people of Ireland. It would be useless to entreat the noble Lord not to proceed with the measure. He had raised up a spirit which he could not lay. If he persisted with the Bill, he must be prepared to find himself opposed by Ireland in every step that he took. The people of that country would not permit the exercise of their religion to be interfered with. For centuries they had been true and faithful to their religion, notwithstanding all the persecution they had endured, and true to it they would be still. They would be slaves, and worse than slaves, if they submitted to a law like this. He did not wish to use exciting language to the people of Ireland; but he warned the Government that the course upon which they were proceeding was a straight, wide, and open course towards rebellion in that country, and if they persisted, the result would be such as every man connected with Ireland would have to deplore. He would conclude with a remarkable sentence from the eminent writer, Montesquieu, who, in his *Esprit des Loix*, said—

> "The threatenings of religion are so terrible, and its promises so great, that when they actuate the mind, whatever efforts the magistrate may use to oblige us to renounce it, he seems to leave us nothing when he deprives us of the exercise of our religion, and to bereave us of nothing when we are freely allowed to profess it."

MR. H. D. SEYMOUR wished to state why he had come to the determination of voting against the Government on this question, and in opposition to those with whom in general he most cordially agreed. He was aware of the almost superhuman efforts of the Roman Catholics to spread their religion, not only in this country, but throughout Europe. But that was a circumstance from which he drew consolation, because he did not think that hitherto any adequate means had been taken to resist them. The present crisis had not come upon him unexpectedly, for he had heard from Roman Catholic friends ten years ago that meetings were holding weekly in the principal cities of Europe to pray for the conversion of this country, and for the establishment of systematic efforts for that purpose such as we are now called upon, though by other means than by Acts of Parliament, to resist. He was aware that in many quarters in Europe there had been a regular crusade of one class of Roman Catholics against Protestants. That class was very far from consisting of the whole Roman Catholic communion, but only of those ultramontane Roman Catholics who were in favour equally of civil and religious despotism; and he believed if they were victorious over the Protestants, they would turn their arms with equal energy and perseverance against that part of their own communion, who formed what Hallam the historian had called the Whig party in the Roman Catholic Church. He should admit, indeed, that having seen a good deal of that party in various portions of Europe, there were amongst them many who would be as unscrupulous in their means and as despotic in the exercise of their spiritual power as they were in the reign of Philip II., or when the Jesuits established themselves in uncontrolled power in Paraguay. But while he acknowledged the gravity of the present religious crisis, he differed from a large majority in that House as to the means by which that crisis ought to be met. He did not agree with the measure before them, because it did that which it ought not to do, and it left other matters untouched to which it ought to have attended. He maintained that a bishop was not a territorial title; it was merely an office in the Church, as old as Christianity itself. The present question was one totally distinct and different from that of monastic establishments; he therefore thought it would be a violation of civil and religious liberty to interfere with those bishops, but at the same time considered that measures ought to be taken to inquire into the management of monastic establishments. He should be happy to support a measure which should have the effect of placing those establishments under some sort of inspection and control. They were springing up in all parts of the country, and if the Roman Catholics in England should be so infatuated as to go over again to the system of the Jesuits, and to place their children in the hands of those monastic institutions, he thought it was a case calling for legislative interference. Everybody should deplore that system which for the last 200 years existed on the Continent, or under which a young female was compelled at a certain age either to marry within a certain time, or to take the veil, and through the means of which, even in the opinion of many Roman Catholics themselves, the higher ranks of society, in many countries, had become so debased and disorganised. He would not have trespassed at all on the House, but he was anxious briefly to state the reason which induced him to vote against those with whom he generally acted, and in a manner which might endanger his seat for the borough he represented; but he felt himself bound to record his opinion against the Bill, for he thought the proper mode of meeting this aggression, which, at any rate, in its present features he maintained to be purely a spiritual one, was not by restraints and penalties, but free discussion and fair persuasion, those legitimate means of propagating truth, to which the reformed religion owed its triumphs in the sixteenth century, and by which alone it could be perpetuated in our times.

MR. GOULBURN was glad that he had given way to the hon. Gentleman who had just addressed them, and who had shown that in any vote which he might give he would be actuated by none but the best and most honourable motives. In much of what he had said he fully concurred, but he should nevertheless differ from him in the vote which he should give upon this occasion. The hon. Gentleman's statement as to there being a general crusade going on upon the part of the Absolutists of the Roman Catholic Church against the religion of this country was not a very strong argument for opposing a measure the object of which was to place a restraint on the assumption of temporal power by the Pope over the subjects of this country. The hon. Gentleman the Member for the county of Cork had told them that the proposed Bill was an invasion of the Act of 1829. If he (Mr. Goulburn) regarded it in that light, he would not support it. He had been a party to the framing of that compact between the Roman Catholic body and the people of this country, and he would not knowingly, either in favour of one party or the other, depart from its provisions, or consent to the violation of its spirit. But in the present measure he saw no violation of that Act, for the Act of 1829 contained a specific and direct prohibition of the assumption of the titles of any existing see by any bishop of the Roman Catholic Church; and when the hon. Gentleman told them, with a kind of threat, that if they attempted to enforce the prohibition which that Act imposed, they would not find a Catholic jury to convict a person indicted under the law, he did not think that the hon. Gentleman acted fairly by his Roman Catholic fellow-countrymen, in imputing to them that they would not be as ready, either honestly to administer the law, or to fulfil the provisions of a compact that had been entered into for their special benefit in the year 1829, as any Protestant. He (Mr. Goulburn) asserted that the act of the Pope was an act of aggression. He did not deny that with an act of aggression—taken in a purely religious sense—he might not be prepared to deal, for he believed that every religion that had sincere followers and believers was naturally aggressive. The Roman Catholics endeavoured, by teaching and preaching, to extend the doctrines they professed. To that there could be no objection. Protestants did the same; and to that extent he thought the conflict was a fair one, and so long as we had the Bible open to the people, and provided persons competent to instruct them, he should have no fear of the result of such a religious aggression. But what he did object to in the act of the Pope was, that it was an act of civil aggression —that it invaded the authority of the Crown by dealing with temporal titles, the conferring of which belonged to the Crown — that it invaded the privileges of the Established Church, and assailed the Protestantism of the country. Upon that ground he objected to the measure which the Pope had been advised to take —a measure utterly unprovoked by any act which had been done with respect to Roman Catholics. He had heard it said that the act of the Pope was in revenge for some supposed misconduct of the noble Lord opposite (the Foreign Secretary) in having lent himself to some proceedings in Rome which had led to the expulsion of the Pope. He could not believe such a statement, although he had heard it from authorities which he should not otherwise be disposed to doubt. If that were the motive, however—if the Pope thought that ecclesiastical arrangements were to be made in this country in resentment of political injury that he might suppose himself to have sustained in his character of temporal Sovereign, could the House have a stronger reason for controlling those ecclesiastical arrangements which were not necessary for religious objects, but were intended to introduce here a civil power which might disturb our peace and defeat our internal civil polity. He had said that this measure was unprovoked. Let them look back to the history of the last few years, and he asked when was there a period when there was a greater disposition on the part of that House and the country to give to Roman Catholics every equality of privilege, and to withdraw everything that could look like censure or distrust of them? Why, each year had been marked by some new concession, and by the withdrawal of laws which were supposed to reflect upon the character or hurt the feelings of Roman Catholics. The only reward for these concessions was, that on the part of the Sovereign Pontiff measures were now attempted to be inflicted upon us which amounted, in fact, to an invasion of the rights of the Crown, and an infringement of the constitution. Further, he contended that this act of the Pope, unprovoked as it was, was not necessary to the exercise of the Roman Catholic religion. If it were true that they could not have episcopal superintendence without the adoption of this measure, he would have been content to have made great sacrifices in order to insure them such superintendence. But that was not the case. They had every benefit of a system of superintendence which could be required in a religious sense. He had been long enough in Parliament to remember twenty years of Roman Catholic grievances annually stated, annually debated, and at length terminated by the Act of 1829. He had heard reiterated over and over again every Roman Catholic grievance, real and imaginary; but during the whole course of that period, though he had heard of the grievous infliction of not being admitted into a vestry, and of not being allowed to become churchwarden, it had never been pretended for a moment, so far as he remembered, that vicars-apostolic in England did not amply satisfy every religious want of the Roman Catholic population. He remembered, moreover, a rescript of the Propaganda itself, in the year 1813, when it was under discussion what restrictions ought to be placed upon the Roman Catholic Church in case of emancipation, in which the grounds were stated upon which the Propaganda would consent to superintendence over their bishops by the Crown of England. Two systems were laid down in that rescript, one to apply to Ireland, where there was a system of bishops already established, and the other providing permanently for vicars-apostolic in England. The advocates of the Roman Catholics in Parliament maintained in classical English what the Propaganda admitted in barbarous Latin, the principle for which he was now contending, that the Roman Catholic religion did not require more than vicars-apostolic to secure a free and full exercise of episcopal superintendence. If, therefore, this measure had been unprovoked on the part of the Pope—if, also, it were not necessary to the establishment of the Roman Catholic religion, why had it been introduced? What was the end of exchanging vicars-apostolic in England for bishops of dioceses? The difference was immaterial to the Roman Catholics, but most material to the Protestant part of this community. There could be no doubt, as was stated with that clearness and ability with which he handled every subject, by his hon. and learned Friend the Member for Plymouth, that in the commission appointing vicars-apostolic jurisdiction was given them over *personas omnes;* but when his hon. and learned Friend meant to say that they had thereby all the powers of a regularly appointed bishop of a diocese, he must have forgotten that the preamble of the commission appointing vicars-apostolic expressly stated that it applied only to Roman Catholics within the jurisdiction, and not to others who were not of the Roman Catholic religion. The jurisdiction was specially limited to Roman Catholics, for whom as resident in a heretical country the Pope felt compassion, and for whose religious exercise he desired to provide as it was expressed, *Non sine magnâ viscerum commotione.* But the bishop of a diocese stood in a very different position, for every one who had been baptised, equally with the members of the Roman Catholic Church, was subject to the laws which the Pope enabled him, so far as he had power, to give effect to. It was asked, however, "Where is the injury?—the Pope has no power to give effect to the canon law in this country, and therefore he cannot interfere with the rights and privileges of other persons who do not belong to the Roman Catholic religion?" His hon. and learned Friend the Member for Plymouth had much insisted upon this in his ablest arguments upon the subject; but he thought there were one or two expressions in the speech of his hon. and learned Friend which seemed to imply that the canon law, though not executed by means of the temporal or civil law of the country, might yet have effect. The excommunication of persons was part of the power conferred upon the bishop of a diocese; and would any one pretend to say, in a diocese where there were a large portion of Roman Catholics and a certain body of other communions, that excommunicating persons, treating them as heretics and schismatics, was not a subject of annoyance, of inconvenience, and of injury to those to whom it was applied? His hon. and learned Friend stated distinctly that if the Queen were excommunicated, there might be a case for interference; but upon this point he (Mr. Goulburn) saw no difference between the Queen and Her subjects. What carried with it injury to one, was equally injurious to the other. He asserted that by this measure the Pope had usurped a civil authority, which, if they intended to maintain the civil liberty of this country, they were bound to resist; or, if not, they must submit to consequences to which he certainly was not prepared to submit. At the same time, with respect to the mode in which this aggression had been met, he begged not to be supposed by the vote he should give, to approve the whole course of proceeding that had been taken upon that head. He thought that more moderation on the part of the Government, in the first instance, and a less disposition to aggravate the feeling that prevailed throughout the country, would have led to a more calm and deliberate discussion of the subject than had taken place; and he could not but feel that the discrepancy between the measure which it was proposed to introduce, and the original excitement to which the act of the Government had, in a great degree, contributed, was calculated to produce a prejudicial effect. But he was not now called upon to consider what would have been the best course had they now to deal with the question *ab initio.* They had a Bill before them, and the question was, should they reject or adopt that Bill? If they rejected it, had they the means of introducing other measures which they might think better calculated to resist a Power, the progress of which it was their duty to resist? and, if not, could they take a better mode of making a specific declaration that the measure of the Pope was one against which this country felt bound, with all its force and power, to remonstrate; and that they would maintain restrictions in reference to it until the time should come when the Pope, acting under better advice, should restore things to the state in which they were when he chose to invade us with this new weapon of annoyance and discord? He might be told that that time never would arrive, for that the Pope having issued a bull never could withdraw it. He knew that that was a very favourite argument, but it was not one that was sanctioned by history. The Pope, if he pleased, and wished to conciliate the good-will of this country, could recall the bull by which he had constituted these dioceses in England. He had the power of withdrawing the bull, as he had done in many preceding instances in other countries. He would not detain the House, or he could mention precedents in which, when the monarchs of other countries had objected to the appointment of bishops, the Pope had thought fit to make a change in his original determination. But he need not go back to history for them. Not later than two days since he saw by the newspapers, in the accounts from Rome, that the Pope himself had, with respect to the diocese of Goa, on the coast of Africa, thought fit to recall the bishop appointed to that see, and to consign it again to the charge of vicars-apostolic. He asked the Pope to do the same here—to withdraw his bull, to recall the bishops, and to restore again the vicars-apostolic, under whom for upwards of 300 years the Catholics of this country had been quietly and without complaint governed. These vicars-apostolic were in existence in this country during the period at which the Catholics possessed some power, he meant in "the happy times of James II." (to use the language of the brief), yet they were never objected to as being insufficient, or as fit to be abolished in favour of bishops. Let the Pope do that, and the restrictions of this Bill would become unnecessary, and would be readily repealed. They had been told that their course of proceeding was adverse to liberty, and was an act of persecution against the Roman Catholics. The hon. Member for the county of Cork had specially charged them with persecution in refusing to sanction the appointment of Roman Catholic bishops, with territorial titles, in lieu of vicars-apostolic, and had read the House a lesson upon charity. "How cruel you are," said the hon. Member, "to interfere with our episcopal arrangements, when I"—innocent man—"only wish to abolish the whole Irish Church Establishment, and to leave the Protestants in that country without any episcopacy at all." Those were the hon. Gentleman's ideas of charity and persecution. He (Mr. Goulburn) felt that those who made appeals on behalf of religious liberty, should beware lest, by the abuse of that liberty, they were themselves led into religious persecution. A distinguished lady unjustly condemned to death, once said of civil liberty, "O! liberty! under thy name how many crimes are committed!" So it was with religious liberty. Those who wished to make encroachments upon the liberty of others, and found their attempts resisted, cried out for religious liberty, forgetting that the first step towards religious liberty was to allow that liberty to those from whom they differed. What persecution, he asked, had been committed, especially with regard to Ireland? The Bill would inflict no injury upon Ireland, for that country had now its Roman Catholic bishops, who exercised spiritual jurisdiction within their particular districts, and who were, under a law of many years standing, prohibited from taking titles from them. The Roman Catholics did not demand more bishops in Ireland; they said they were content with their present episcopacy; but yet this Bill was designated as an act of tyranny, oppression, and persecution. He contended that there was no persecution in the Protestants of this country protecting themselves against the evil he had mentioned. There was in private life a persecution which was most offensive—that which an audacious and impudent bully sometimes displayed towards a man of quiet demeanour and Christian principles, who was induced to submit to injury, to loss of property, and to insult, rather than vindicate himself by litigation or hostility. The forbearance or submission of such a man was often construed to be cowardice, and led to repetition of injuries which was real persecution. In the same manner, if in public affairs they allowed a class of persons, or a foreign Power like the Pope, to go on gradually encroaching upon their forbearance and kind feeling towards their Roman Catholic fellow-subjects, they were sanctioning an exercise of tyrannous authority—be it of the Pope or any other power—and inflicting upon the mass of the community what was real persecution, what would be ultimately felt as persecution, and would rouse a spirit of hostility detrimental to the social happiness and general peace of the country. He would vote for the Bill, because he held it to be a protest directed against the encroachment made upon the sovereign power of the Queen, upon the Protestantism of England, and upon our Established Church.

SIR W. H. BARRON said, that when a very talented woman in his country once published an essay on Irish Bulls, the president of a farmers' club moved that a copy of the work should be taken in by the society, with a view to the improvement of the breed of cattle in Galway. Now, he thought that the discussions which had taken place on Papal bulls, had tended as little to any useful legislation, on this or any other question, as Miss Edgeworth's essay had contributed to the improvement of Irish cattle. The manner in which the question had been discussed had only served to awaken feelings of religious discord in this country and Ireland—to set man against man—to create new religious feuds where all had been settling down to peace and quietness—to revive ancient disputes on the Catholic question—and to make the House of Commons the arena of ecclesiastical censure and religious rancour and intolerance. The manner in which some hon. Gentlemen had spoken, in these debates, of the consequences they feared and apprehended from what had been done by the Pope, was perfectly absurd; and they seemed to think, that unless they punished Cardinal Wiseman, they would have another St. Bartholomew massacre, and other Smithfield fires. But when they talked of horrors such as those, did they want others to retort upon them the horrors perpetrated under Henry VIII. in England, or John Knox in Scotland, or the infamous robberies, murders, and burnings of Cromwell in Ireland? Did they wish them to rake up such scenes as those? Why, then, go on in this miserable and disgraceful style of language? Let them not put down such things either to Catholics or to Protestants; but attribute such atrocities to their real cause—to the corruption of human nature, and the infamous passions of mankind. It was said that the Pope had insulted them—had insulted the Queen on the throne—and assumed temporal power and authority in this country. But he thought he could show them that nothing could have been more remote from the Pope's intention than to do anything of the sort. Why, indeed, should the Pope desire to insult the Queen of this country—of a country in which he was about to establish a hierarchy? There were very many reasons why such should not have been his intention. In the first place—as had been observed by the right hon. Gentleman who had just spoken—the Pope was quite cognisant of the fact that the Parliament of this country had, for many years past, been removing one by one all causes of complaint on the part of the Roman Catholics. There was, first, the Act of 1829; then the Act relating to Charitable Bequests—by which, for the first time, he believed, Roman Catholic archbishops and bishops were recognised as such in an Act of the Legislature; then the Act granting very large additional allowances to the College of Maynooth, where the Roman Catholic priesthood of Ireland received their education, and turning an annual grant into a permanent charge on the Consolidated Fund; then came the recognition of the Roman Catholic archbishops and bishops in Ireland by Her Majesty, and of the Government of that country; and there was likewise the acknowledgment by this country of the Roman Catholic bishops in the colonies. There was also the Bill for the establishment of diplomatic relations with the Court of Rome, which had been suspended for a great number of years. All these acts, no doubt, went to make the Pope believe that it would be no offence whatever to the British Crown, the British Government, or the British people, that he should regulate the spiritual matters of the Roman Catholic Church in the manner in which the Roman Catholic people in England or Ireland thought most conducive to the welfare of their church. But there was yet one other circumstance that was still more strongly calculated to confirm the Pope in that opinion—viz., the fact that the Pope had, within the last three years, constituted a new bishop in Ireland without giving offence to Her Majesty, to the British people, or to any person in the whole empire. What difference was there—as Ireland was a portion of this great kingdom—between Galway and Westminster or Birmingham? Where was the distinction, in point of offence or aggression, if offence or aggression such things could possibly be considered to be? But it was said that the wording, the manner, and the publication of the bull gave offence. And yet the very same words were used in the Galway rescript in 1847 as in the Westminster or the Birmingham ones of 1850; and they were the *ipissima verba* that had been used in similar cases for centuries past. But it had been said, "Why not go on with the vicars-apostolic, who had been quite sufficient and quite satisfactory?" His answer was, that the Roman Catholics alone were the proper judges as to whether they had been satisfactory. The noble Lord the Member for Arundel had stated that he and others had petitioned the Pope three years ago to appoint bishops in place of vicars-apostolic—a fact which at once contradicted the assertion that the vicars-apostolic were wholly satisfactory to the Roman Catholics, and disposed, at the same time, of the absurd statement that the Pope had committed this act to spite the noble Lord at the head of Foreign Affairs. The reason, for the most part, why the Roman Catholics preferred bishops to vicars-apostolic was because the former were more independent.

It was that consideration, doubtless, which was alluded to in the passage quoted from the pastoral of the Cardinal by the right hon. Gentleman the Member for the University of Cambridge. The truth, is bishops ought to be preferred by the opponents of the Pope, because they cannot be removed by the Pope unless they have violated the written laws of the Church; whereas vicars-apostolic can be removed at pleasure. But it was said that the Roman Catholic religion "cramped the intellect and enslaved the soul;" and it had been said by the hon. and learned Gentleman opposite, the other Member for the Univerity of Cambridge, that certain countries were in a state of poverty and misery because the Roman Catholic religion there was in the ascendant. But did not the historic recollections of the hon. and learned Gentleman remind him that all countries had their days of prosperity and adversity, and that the Italian Republic, and the other lands alluded to were in the highest state of power and civilisation while this country was in a condition of comparative ignorance and insignificance? Did he not remember that the Popes had ever been the patrons of art, science, and civilisation? That they rescued science and literature from the dust and darkness that obscured them, caused by the invasion of the Huns, the Goths, and the Vandals? Did he forget that Roman Catholic ages had seen such men as Gregory the Great, Tasso, Ariosto, Dante, Guido, Raffaelle, Domenichino? Did the hon. Member forget that the two great nations in Europe are Belgium and France, both Catholic? He never could have heard of such names as Mazarin, Richelieu, Massillon, Bossuet, or Fenelon, or he never would have made such statements. But, leaving foreign countries, he would draw back the hon. and learned Member's memory to England. Were not our Henrys and Edwards, the winners of the proud fields of Cressy and Agincourt, Roman Catholics? Who won for Englishmen the grand foundation of their liberties and prosperity — Magna Charta? Was it not the proud Roman Catholic barons of England, headed by a Roman Catholic bishop, Stephen Langton, whom even the infidel Hume, who never lost an opportunity of scoffing at ecclesiastics, was obliged to eulogise? There was not a country in Europe that now enjoyed such liberty as Catholic France, or that had excelled more in arts, or science, or literature, in statesmanship, or war? Who erected the noble edifices dedicated to religion that studded our own country, York Minster, Salisbury, Westminster? Roman Catholics. Why should Christians, repeating the same creed, quarrel with their Roman Catholic fellow-subjects, because on some points they interpreted differently that holy book, which it would be well if all would study more devoutly before coming to debates in that House, for its first great principle was charity. In the words of that book he would say, "Judge not, that ye be not judged." This raking up of old musty chronicles was unworthy of Englishmen. No insult was meant; if there had been, the right course would have been to open a diplomatic communication with Rome. He implored the House, therefore, in the name of charity, in the name of their common Christianity, not to act as ferocious beasts towards each other, but to allow every man to worship God according to the dictates of his own conscience. This paltry foolish Bill would be an impotent measure, and a disgrace to the Statute-book. If Ireland, in times gone by, was the difficulty of a great statesman—a statesman greater than any now on the Treasury benches—it would, after the passing of this Bill, be a still greater difficulty. He implored them, if it was not too late, if they did not wish to drive every man who could put 10*l.* into his pocket out of Ireland, not to pursue this contemptible but insulting Bill any farther.

MR. CALVERT said, that he was sorry to interpose between the House and hon. Members who were so far more competent than himself to discuss the question: but if a strong sense of the importance of a subject, and a diligent effort to make himself acquainted with its merits, formed any grounds for asking the attention of the House, those claims he could certainly advance. Never had he entered upon the consideration of any question which seemed to him more pregnant with great and important consequences. Never had he approached any subject on which it had appeared that the course of legislation upon which the House was about to embark, was more likely to produce important results to all the great interests of the country. He would say one word as to the feelings with which he approached the consideration of the subject. They were told that if they supported the Bill now before the House, they would be guilty of persecution and of taking a retrograde step with reference to the

Act of 1829. As to the charge of persecution, no man in that House felt a greater or a deeper interest in the welfare and progress of Ireland than himself. He often visited that country, and he never came from thence without feeling an earnest desire to witness the end of all the grievous calamities which he had found existing in different parts of that unhappy country. He could truly say also, with regard to the Roman Catholics of England, that a body of persons more loyal, more exemplary in their conduct, or more really deserving the attention and consideration of the Legislature, did not exist. He could never forget that in bygone days of darkness and danger, when a Roman Catholic admiral was at the head of the English fleet, many highly-respectable members of that communion, being prevented by their religion from serving as officers, embarked as private sailors and soldiers, and served their country in a far less elevated capacity than that to which their station and position entitled them. No one, therefore, could be more anxious than himself to do the fullest justice to Roman Catholics on both sides of the Channel. The Act of 1829 was passed simply with reference to civil privileges. It was an Act totally unconnected with the subject now under discussion, with the exception of one particular clause; and with that exception, from its commencement to its conclusion, there was not the slightest reference to matters of a spiritual character. That particular clause imposed a penalty on those Roman Catholic Prelates who should take the titles of existing sees of the Established Church; and it was said that the titles of other sees might be taken because they were not named in the Act. But those who advanced that argument forgot that any person who took titles by virtue of any bull or brief from the Pope, was, until the last four years, guilty of treason. It could not therefore be said, that in now passing a Bill upon the principle of that particular clause, the House was taking a retrograde step in reference to the Act of 1829. Those who charged the supporters of this Bill with persecution should remember who originated the transaction upon which the legislation now proposed was founded, and who were the parties attacked. He was a Protestant, and there had come into England a person armed with the instrument, and acting under the authority, of a foreign potentate, who asserted a spiritual jurisdiction over him. An archbishop's throne had been set up in the neighbourhood of Lambeth, by the authority of a foreign potentate, which claimed jurisdiction over all baptised persons. Because he, as an Englishman and the member of another communion, and that the national one, resisted this attack, was he to be charged with persecution? All he did was to take up a position of self-defence, and no construction of the English language that he had ever heard of, could bring that line of conduct within the term, persecution. Let the House consider precisely what the question now before it was. The question was not, what would have been most proper to have been done at the time when this aggression was first made known, or what ought to have been done when Parliament met; but under the circumstances in which they were placed, this Bill being now before the House, and the circumstances of the country precisely what they were at the present time, whether the measure should be read a second time? The principle now before them for discussion was not a new principle. By a long course of statutory enactments, extending over a period of 150 years, the principle involved in the question now at issue had been from time to time enforced in one uniform manner. The question really was, how is an Episcopacy to be dealt with in countries where it is not the Episcopacy of the established religion? This problem had been solved in respect to Scotland repeatedly, from the year 1710 to the present time; and the manner in which the subject had been treated in respect of Scotland, was deserving of peculiar attention. In the 5th of Queen Anne, cap. 8, sec. 10, instead of the language usual in Acts descriptive of the clergy of English parishes, the Episcopal clergy of Scotland were described as "the pastors of the Episcopal congregations in Scotland;" and in that Act the House would find that reference was not made to the clergy with reference to parishes or places, but studiously with reference only to congregations. That statute was most important to the point now at issue, and for this reason: Lord Somers, the most important by far of all the statesmen then connected with transactions of this nature, had the Articles of Union drawn under his direction, and that, too, only five years previous to the passing of that statute. It was reasonable to suppose that the use of these particular words had attracted his attention, and received his sanction; and that the particular position of the Episcopal Church in Scotland had been kept in view when the Act was framed. In the 19th of George II., passed in the time of Lord Hardwicke, the same phraseology was carefully pursued—"pastors or ministers of any Episcopal congregation in Scotland;" the same expressions occurred in the 21st of George II., and the 32nd of George III., and so down through all the intermediate Acts to the 3rd and 4th Victoria, which was passed for the protection of the Episcopalians of Scotland; and that Act, enunciating the same principle, spoke of bishops in Scotland not as bishops of territorial dioceses, but as the "bishops of the Protestant Episcopal Church of Scotland," and of the clergy as the clergy "canonically ordained by the bishops of that Church." From the first to the last, throughout all these Acts, the same form of expression was maintained, indicating clearly that where Parliament dealt with an episcopate which was not an episcopate of an Established Church, it had advisedly used language which marked a distinction between an authority over places, and an authority over congregations. Then came the Act of the 5th of Victoria, which had attracted a good deal of attention, and had been alluded to by Mr. Bowyer and Cardinal Wiseman; but in that Act, speaking of bishops in foreign countries, it only designated them as being placed over "British congregations, or other congregations desirous of being under their authority." Thus when our legislators were dealing with Episcopacy where it was not established, there was a careful adoption of the same form of expression. Again, the 7th and 8th of Victoria, the Charitable Bequests Act, spoke of the bishops of the Church of Rome as bishops over persons, and not over places. Throughout, then, all these Acts of Parliament, whether in reference to Scottish Episcopalians, to English Episcopalians, or Romish Episcopalians, there was the uniform adoption of the same phraseology. He could not, however, admit that the Scotch bishops ought to be looked upon in the same manner as the Romanist prelates. In point of fact, no doubt, both acted in defiance of the law; but Dr. M'Hale and the new Romanist bishops in England not only acted against the express letter of the law, but derived their titles from a foreign potentate, which could not be said of the Scottish bishops. That consideration, in his opinion, made a vast difference. The conduct of the Pope had been, with reference to those titles, ably reviewed by the right hon. Gentleman (Mr. Goulburn), who had proved that it was in direct contravention to the general laws of Europe. It was also an equally manifest violation of the English law. Hon. Members had no doubt read the speech of Sir Edward Sugden, which showed most distinctly that not only the spirit but the letter of the law of England had been violated. He begged that the House would, for a moment, attend to the words in which Cardinal Wiseman had asserted the authority by which he acted in the late aggression he had made upon this country; in order that they might clearly see the offence which he had committed. In the Pastoral which had been published by the Cardinal, and which had been so often referred to in the House, that it would be unnecessary for him to read the words, he first recites the authority of the Pope, under which he was acting, and then goes on to assert, that thenceforth he, in consequence, "governs the land with ordinary jurisdiction," and so forth. The effect of the Pastoral was shortly this, that the Legislature having deliberately enacted that no one should, under any pretence whatsoever, cite and use the authority of the Pope, or act under the same, in this country, at the peril of being guilty of a grave offence, here was a man who came into the country to do certain things, and for the doing of these things distinctly traced his authority to the Pope himself, and thereby committed the very offence which was forbidden in the statute. But a much more important point was this. Without doubt the Queen was the fountain of all honour. Any person taking office under any foreign Government, without having first received the consent and authority of the Sovereign for such an act, was guilty of an offence. Now, as regarded the office of a bishop, that office in very early times was a merely spiritual office; under Constantine it was placed on the footing of a magistracy; and in the times of the Norman Conquerors it came to participate with the institutions of the country in the feudal nature of the Government, and was placed on a feudal basis. It thus became and has since continued to be a territorial office; he that assumed it took upon himself a territorial office, and he who assumed such an office at the bidding of a foreign prince, without the sanction and authority of the Sovereign of the country, offended against that Sovereign's prerogative. Another point in which he felt that Cardinal Wiseman had offended against the institutions of the country, and the Church especially of which Her Majesty was the supreme head, was, that the aggressive act was, in point of fact, a practical assertion that all the sacraments of our Church were nullities; and that all the appointments of bishops, the appointments of archbishops, and indeed all the appointments made in that Church, were entirely void and invalid. This point had been already explained at large; but that he was right in so interpreting the conduct of the prelate, would appear from the effect which Roman Catholics themselves attributed to the acts of which Cardinal Wiseman had been guilty. Another very serious consideration with him was, the introduction into this country of the canon law. They were told by the advocates of Cardinal Wiseman that the establishment of a regular hierarchy in this country was an act preliminary and necessary to the introduction of the canon law, because, without the hierarchy, that law could not take effect. Well, to illustrate the working of the canon law, let them take the question of the Irish colleges. If the Pope issue a brief, condemning these colleges, and there be no hierarchy in Ireland at the time, then it was a mere matter of option with the people, whether they would avail themselves of the colleges or not; but if, on the other hand, a hierarchy were established, then, by virtue of the canon law, every man was bound—there was no option left, but every one must bow to the decision which the Pope had authoritatively promulgated in his brief. So great was the difference in Ireland or England, whether placed under the rule of vicars-apostolic, or made subordinate to the authority of a regularly-established hierarchy. The House had been reminded by the hon. Gentleman (Sir W. Barron) of those who had been the great champions of the country in our early constitutional struggles for freedom. These were, he said, Roman Catholics; but what did they do? What had been the great subject of contest in those times? Why, that the Pope of Rome should not reduce this country under his thraldom. What was the meaning of that well-known and oft-quoted declaration of which their posterity were still proud—*Nolumus leges Angliæ mutari?* Why, that they would not allow the introduction of the canon law. ["No, no! it was the civil law."] He begged their pardon, it was both the civil law and the canon law. ["No, no!"] Well, he must refer them to the history of the times. After debating this subject so long as the House had now been engaged with it, he would ask why no one of the many Roman Catholic Members who had spoken had pointed out any one spiritual want, which had not been satisfied under the system of the vicars-apostolic? He was not one who wished to deprive Roman Catholics of any one practical spiritual benefit; but they had been told over and over again that vicars-apostolic had not been able to supply all the spiritual wants of the country, yet no one of the Roman Catholic Members had pointed out one want which those vicars had not supplied. They had had various instances of change in the particular appointments made by the Pope, according to the exigencies of the country, now of arch-priests, then of vicars-apostolic, but not one instance had been given of a want which the vicars-apostolic had not been able to supply. The House, however, had been challenged to show that the Sovereign had been insulted; and, indeed, the hon. Member for Plymouth (Mr. Roundell Palmer) seemed in his argument to say that if that fact were established, he would vote for any measure of any kind which the noble Lord might think it necessary to propose. He laid down a rule, too, for ascertaining what it was that constituted an insult; he said he would not take that as an insult which was not intended to be one. A very good rule, no doubt; but he (Mr. Calvert) wished to know how they were to ascertain whether or not an insult was intended. By the precise facts of the case, without doubt. It was well known, of course, to the House, that an Act had been passed establishing relations with the Court of Rome. Then, if the Pope wished to make alterations in the government and organisation of the Roman Catholic Church in this country, he might have communicated his intention to the Government of this country under the Act so passed, and thus have seen whether or not his proposal would have been acceptable to the Sovereign of Great Britain. But instead of using any such alternative, he at once proceeded with the act, which was now viewed as an act of aggression upon Her Majesty's prerogative. His very words were chosen as if for the purpose of giving offence; he called this country Catholic England, meaning thereby, if the words meant anything, Roman Catholic England. This phrase entirely misrepresented Her Majesty's subjects; it had a still more serious import with regard to Her Majesty herself. For, if England were Roman Catholic, why were the Stuarts not still upon the throne? The words cannot be disconnected with the contest of 1688. They called in question the claim of Her Majesty to govern this realm. But, again, by this language the Pope meant to ignore the Reformation. Before the Reformation, "England" was the right name; the name of the kingdom with which the Popes were acquainted, when the country was Roman Catholic, but the kingdom of "England" now no longer existed; the United Kingdom of Great Britain and Ireland was now the name and style of Her Majesty's dominions. He (Mr. Calvert) thought that the Pope, by the use of this significant language, as well as by his acts, had been guilty of a direct and violent insult to the supreme authority in this country. The office of a bishop was in part a spiritual, and in part a temporal office; and the question always had been, how far the Sovereign should interfere so as not to leave the appointment exclusively in the hands of the Pope. Of late, however, the Pope had determined to encroach upon the prerogatives of foreign countries, so that in all the countries mentioned in the course of the debate, in Belgium, Sardinia, Switzerland, and Italy, indeed in every country in Europe, there had been encroachment more or less on the part of the Pope. In 1825, when this matter was under consideration before a Committee of that House, Dr. Doyle in his evidence stated that his feeling and his expression must be that the best security they (the Roman Catholics) could offer, the fairest and most effectual thing that could be wished was, that the bishops be "domestic;" that the election of them be in the hands of British subjects; and that, under this system, the authorities of this country should not interfere with them except to impose the oath of allegiance. Dr. Murray gave evidence to the same effect; and at a meeting in Dublin, held shortly after, they resolved that they would never consent to the veto, but that they would contend for domestic nomination. So, then, from domestic nomination the Pope had gone on with his gradual encroachments, to the nomination and creation of bishops, and thence to the appointment of an Archbishop of Westminster. If they suffered this particular act to pass unnoticed, they would soon have another; and that again would be the foundation of successive encroachments. His hon. and learned Friend the Member for Plymouth (Mr. Roundell Palmer), in discussing this question with great ability the other night, referred to the state of other religious denominations in this country, and said, "Why, if you allow them the liberty of free action, do you not allow the same liberty to Roman Catholics?" According to the view of his hon. and learned Friend, he (Mr. Calvert) could not imagine any event that he would consider a just provocation of resistance unless it were the ships of the Armada actually appearing within view of our coast. He begged to remind his hon. and learned Friend that there was no body of Dissenters in this country that questioned in any way the order or existence of the bishops of the Established Church; that there was no one with whom the spiritual power was attempted to be advanced over the temporal power. Now, this was a material matter. If they went through every one of the Dissenting Conferences or Assemblies, they would always find that they placed the temporal over the spiritual; whereas the essence of the Romish Church was, that it placed the spiritual over the temporal; and his belief was that no country was safe, unless the temporal was placed above the spiritual power. The noble Lord at the head of the Government, in his admirable speech in introducing the Bill, clearly showed that this was the point to which they should always address themselves; and he (Mr. Calvert) must say that if there was one lesson more than another taught, not only by that portion of our history when this country was Roman Catholic, but in that portion of our history since the country had been Protestant, it was this, that nothing should induce them to consent to the temporal power being subjected to the spiritual. There was another distinction between the Roman Catholics and every other religious body in this country: it was this, that the Wesleyan Conference, for example, was a conference composed of Englishmen, with English feelings and purposes only; that, whatever objects they might have in view, they never contemplated the accomplishment of anything for the benefit of a strange country. But could this be said of the Roman Catholics? Was there not in their case the danger that the power and pre-eminence of the Pope might be promoted in this country; and not merely of the Pope, but of the Sovereigns or Governments influencing the Pope? At this moment the French were in possession of Rome. Now, he did not believe that France had at present any sinister feeling towards England; but was there no other Power which, if it were in possession of Rome, and if a bold and unscrupulous Minister happened to be in office at the time, might not make use of the influence of Rome, for the purpose of embarrassing an authority which it knew was favourable to the promotion of constitutional government? This, then, was another great and broad distinction between the acts of such a body as the Wesleyan Conference and the Episcopate of Cardinal Wiseman; and he believed that this distinction lay at the root of the liberty and independence of this country. It had been said that the present was a small measure. He admitted that it was a small measure, but he did not think that therefore it ought to be opposed. He had great confidence in the noble Lord at the head of the Ministry; he cordially concurred in those principles upon which the noble Lord had stated that he was prepared to legislate; and nothing would ever induce him to consent to the introduction of Papal authority in this country, if he could possibly avoid it. If the present course of aggression was pursued, still further legislation might be necessary; but, if so, he for one would not be sorry that they had afforded the Pontiff a *locus pœnitentiæ*; that they had given him an opportunity of withdrawing his brief, and retracing his steps, and preventing the enormous evils which this step was calculated to produce. When hon. Members talked of the dissension which would arise out of this discussion, he (Mr. Calvert) would remind them that the sin of that dissension lay with the Pontiff, who had made the act of aggression—that he alone was responsible for it, not those who resisted the aggression. The latter were only doing their duty in resisting the step, and in endeavouring to rescue their country from the consequences that would naturally ensue from it. The House might depend upon it that, of all the bodies in this country to whom their firmness in this matter was important, it was of most importance to the Roman Catholics themselves; for if the House should not be firm, the Catholic laity would be subjected to a grinding tyranny. It was, above all, essential that there should be as much unanimity as possible in the decision at which they arrived. They might rest assured that the number 395 had re-echoed as a solemn warning to the Vatican that some caution was necessary in the future steps it took; and he (Mr. Calvert) would fain hope that there would be a still larger number on the second reading. He was aware that almost all the Roman Catholic Members had taken a part against this Bill. He did not know whether he ought to regard those as the advocates of liberty upon this occasion; but he begged to say that if they were the advocates of liberty it was not "because" they were Roman Catholics, but "although" they were Roman Catholics. For what country was there in which the Roman Catholic religion was dominant where spiritual freedom existed? The case of France could hardly be cited as an exception, because, in France, little deference was shown to religious authorities in matters of government. What was the case in Rome itself? Was there any religion allowed to be preached there but Popery? Was there a Protestant church admitted within the walls of Naples? A gentleman had lately been sent out of the island of Madeira for reading the Bible to some of his neighbours; and events of this kind were constantly occurring in Roman Catholic countries. He submitted to the House that hon. Members of every persuasion ought to combine to stop such events. The hon. Member for Manchester (Mr. Bright) was, he believed, among the opponents of this Bill. He begged to ask that hon. Member if the Society of Friends had been able to establish themselves in any Roman Catholic country? He thanked the House for having so patiently listened to this his first address, and would implore them to stand fast in the assertion of their national independence and in the protection of the Protestant religion.

Mr. CHARTERIS said, that having listened with the utmost care to the speeches of hon. Members opposite in support of this Bill, he had been struck with the logical inconsistency between their arguments and their votes. Their language, in effect, was this—"We are the friends of civil and religious liberty—we contend for complete toleration—and it is because we dread the establishment of a hierarchy in this country, and the introduction of the canon law, that we vote for a Bill which touches neither of these points." He confessed he was unable to reconcile this apparent inconsistency. He wished very shortly to state to the House the view which he took of this Bill; but, before he proceeded to discuss either the principle or the details of the Bill, he thought it right that they should come to a clear and explicit understanding of what the nature and character of this so-called Papal aggression really was, for upon that depended not only the character of their legislation, but whether or not they should legislate at all upon the subject. Now, from all that occurred, and from all that had been said, both within and without the walls of Parliament, he thought he was justified in saying that the view which was taken of this question was, that an act of temporal aggression had been committed—that the Pope's act was not regarded as a mere exercise of a spiritual right by the head of the Roman Catholic Church for the better guidance and government of that Church within this realm; but that it was considered to be an assumption of temporal power by the sovereign head of the Roman State. Such was the view taken by Her Majesty in Her Speech from the Throne; such was the view taken in all the addresses that had been presented to the Throne; such was the view taken by the noble Lord in his speech introducing the Bill, and in that of the right hon. Secretary of State for the Home Department in leaving out all the important clauses of the Bill; and such was the view taken on what remained of the Bill itself. Now, admitting, for the sake of argument, that a territorial aggression had been committed, how was this assumption of temporal power by a foreign Sovereign within these realms to be dealt with? The noble Lord at the head of the Government had stated that the law of England afforded no redress, for although there were some obsolete statutes in existence, yet they had been so long in disuse that it was extremely questionable whether a conviction under those statutes would ensue, and therefore he came to Parliament for further powers. But if an insult had really been offered to the Sovereign of these realms—if a foreign Power had really presumed to exercise authority within the dominions of Her Majesty, it was not to Parliament, he thought, that the Government should have appealed. He thought there was another tribunal—the public law of Europe—to which they might more fitly have appealed for redress; for, as was clearly shown by the hon. and learned Gentleman the Member for the city of Oxford, in the course of the debate on Friday last, it was considered an essential prerogative of Majesty in foreign countries to prohibit the publication of bulls and the appointment of bishops without the consent of the Sovereign. The hon. and learned Gentleman the Member for Plymouth, in his able and argumentative speech, in almost every word of which he cordially concurred, expressed a different opinion of the international law on this point, and said that the right in question was not inherent in the Sovereign of the State, but depended upon certain conditions, such as a concordat, or whether the Roman Catholic religion was more or less established in a State; so that doctors differed in law as well as in medicine. And he would read a passage upon the subject from the able pamphlet of Dr. Twiss, which would show that that learned Gentleman had arrived at a conclusion wholly different from that of his hon. and learned Friend. Dr. Twiss said—

> "There is no position in law so completely established with reference to the relations between the Holy See and the Sovereign Princes of Europe as that the *exequatur* of the Crown, or *Royal placet*, is requisite as an antecedent condition for the publication of a Papal rescript within the territory of a Sovereign Prince."

And again he said—

> "If there be any one principle of law which has received the sanction of that high usage and practice which constitutes a binding obligation on all the Powers of Christendom, it is this, that the Pope cannot set up the see of a bishop within the territory of an independent Sovereign without his consent."

It was further stated by a German jurist that "the *exequatur* has been accounted so essentially connected with Royal Majesty that no Prince can abdicate or renounce it to the prejudice of his successor or the State." If, then, this right existed by international law, and if the Pope, by the creation of bishoprics in this country without the assent of the Sovereign, had infringed that law, it was not in the House of Commons that the matter ought to be argued, but in the Foreign Office, over which the noble Lord the Member for Tiverton presided; and he (Mr. Charteris) confessed he was surprised that the noble Lord had not taken the quarrel into his own hands, and settled it by summary process, with the help of Admiral Parker's fleet. But, before taking the law into our own hands, he could not but think that we ought to reflect whether we had not, to a certain extent, put ourselves out of court in dealing with this Sovereign Prince. This country stood in a different position from most of the countries of Europe. Other countries acknowledged the Pope as a temporal Prince; we had blindly attempted to ignore his existence, although, by one of the articles of the Treaty of Vienna, as contracting parties, we had acknowledged him to be one of the independent Sovereigns of Europe. And not only had we blindly persisted in the course of ignoring his existence, but when, in a lucid interval, the Legislature were induced to pass an Act enabling the Sovereign to enter into diplomatic relations with the Pope, they rendered the Bill wholly inoperative by attaching a particular clause to it which made it impossible for the Pope to act upon it. He thought it would be well to reflect whether or not it did not arise in a great measure from their own fault that they were at that moment discussing the question of Papal aggression; whether, in fact, the present measure had not arisen out of the same spirit of intolerance which had attributed the potato disease and the Irish famine to their having whitewashed the walls and mended the windows of Maynooth College. He felt confident, that if we had had a Minister at Rome the House would not at that moment be discussing this measure. But he, for one, could not bring himself to view the step which the Pope had taken in the light of a temporal aggression. It appeared to him to be a spiritual and a purely spiritual question, and that if they maintained inviolate the sacred principles of civil and religious liberty they would be incompetent to deal with it. What right had they to deny the Roman Catholics the liberty which they afforded to every other denomination within the realm, namely, the liberty of organising their church government according to their own forms? Was not episcopacy part and parcel of their ecclesiastical organisation? Nay, was not the episcopacy of the English Church derived from that of Rome? If he could see that any danger to this country was likely to accrue from the step taken by the Pope, he might be induced to support the Bill; but he confessed he was unable to see any. It established a hierarchy to superintend the Roman Catholic Church in this country; but it gave no power in civil matters. In the eye of the law they would be powerless. It would, no doubt, establish the canon law; but if that law, on any question of a temporal or civil kind, were to come into collision with the statute or common law, the canon law would have to bow before it. It appeared to him that it would be time enough to deal with a difficulty when it arose. If they should find from experience that the laws of this realm were not superior in temporal and civil matters to the canon law, let the Government then bring in a Bill to vindicate the common and statute law, and he would cordially support them. But he could not see why they should apprehend danger from the Roman Catholics, when in questions of civil and temporal affairs they themselves denied the supremacy of the Pope. What was the oath which was taken at the table of that House by every Roman Catholic Member? They declared that they "do not believe that the Pope of Rome, or any other foreign Prince, prelate, person, State, or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly, or indirectly, within this realm." They further swore that they "will defend, to the utmost of their power, the settlement of property within this realm as established by the laws;" and this declaration they make "in the plain and ordinary sense of the words of the oath without any evasion, equivocation, or mental reservation whatsoever." He would ask the House and the country whether they believed that the Roman Catholics took this oath with "mental reservation or equivocation?" He confessed it was with indignation that he heard the loyalty of the Roman Catholics questioned. They had given ample testimony of their loyalty. They had proved it in a hundred fights on flood and field, and in every clime; and he would ask hon. Gentlemen to say by whom the late Irish rebellion was suppressed, if not by the priests and the police? He would say, farther, that he believed the Roman Catholics were as loyal to their Sovereign and as attached to the institutions of the realm as the Protestants were; that the Roman Catholics and Protestant Anglo-Saxon equally inherited a love of liberty; and that neither of them would allow themselves to bow the knee to any foreign potentate whatever. The hon. and learned Gentleman the Member for the city of Oxford the other night referred to the attempts which were made in the times of Richard II. and Edward III., to curb the supremacy of Rome. Did the hon. and learned Gentleman suppose that when in those days of mental darkness, when all law and learning were centred in ecclesiastics, and when the Bible was a sealed book—the Roman Catholics were found vindicating their civil rights and liberties, that they were less likely to do so in these days, when education has shed a flood of light upon the world, and when the Bible is to be found in every cottage? He was opposed to all penal legislation on this subject. The safeguards of civil and religious liberty to which he looked were, the spread of education, the enlightenment of the people, the increased exertions of the clergy, and, above all, the influence of the divine truth of the Protestant faith, which he professed. He begged the attention of the House to the words of a distinguished statesman, who, speaking nearly half a century ago, said—

> "If conversion to Popery be an evil, law is not its proper remedy. If proselytism exists, it is a disgrace only to the clergyman in whose parish it takes place. What, if they do their duty, can members of the Church of England fear?"

Those were the words of Mr. Windham. A distinguished statesman of our own times said in that House not many days ago—

> "It is not to any Act of Parliament that I look for the maintenance of the Protestant religion in these realms, but to that deep feeling of attachment to the Protestant faith which not only the members of the Established Church, but the members of every Protestant denomination, possess, and to which they have given utterance in language clear, unambiguous, and unmistakeable. It is to their just appreciation of the blessings connected with the maintenance of the Protestant faith in this country, that I look for the maintenance of that faith, accompanied, as it no doubt will be, with the increased diligence and activity of Protestant ministers in their respective spheres, armed, as I believe, with the armour of truth, to resist that spiritual aggression with which they have been threatened." [3 *Hansard*, cxiv., 1135.]

Those were the words of the right hon. Secretary for the Home Department on moving the second reading of the Bill, and in the sentiments conveyed by them, he (Mr. Charteris) cordially concurred. Such sentiments, however, appeared not to find favour with hon. Gentlemen on the opposite (Ministerial) side of the House, who were desirous of legislation, however small—who were desirous of passing even the present measure, futile as it was for purposes of repression, though powerful to irritate. To induce the House to pass the Bill, the hon. and learned Member for the city of Oxford held out the prospect of something like another Spanish Armada or French invasion. But he (Mr. Charteris) would ask, whether at the period of our history when the Spanish Armada threatened England, a bloody penal code did not disgrace the Statute-book? He would ask whether the statute of the 13th of Elizabeth did not punish with death any one who might publish a bull of the Pope in England, and whether the 27th of Elizabeth did not inflict the penalty of death on any Roman Catholic priest who might be found in this country? It was at such a time, and not at a period of religious liberty like the present, that the Spanish Armada threatened our shores. Then with respect to a French invasion,—when, he asked, did the foot of a foreign invader last pollute our soil? It was at a time when Ireland was a prey to all the bitterness which can arise from religious animosities, and when the penal laws had excited a spirit of discontent in the people. Then it was that the French legions under Hoche trod the soil of Ireland. The historian Lingard stated—

> "It is evident that neither Elizabeth nor her ministers understood the benefits of civil and religious liberty. The prerogatives which she so highly prized have long since withered away; the bloody code which she enacted against the rights of conscience has ceased to stain the pages of the Statute-book, and the result has proved that the abolition of despotism and intolerance adds no less to the stability of the Throne than to the happiness of the people."

On these grounds he was opposed to penal enactments. At the same time he thought the House ought not to pass over the arrogant and presumptuous tone assumed by the Pope. In his opinion it was not a fit subject for legislation, but he thought the House ought to pass resolutions as had been suggested in another place. He would also put an end to the absurdity of pretending to ignore the existence of the Pope as a temporal Power. Parliament might also revise the statutes of mortmain, with the view of guarding against evils now complained of; and, further, authorise in this country, as a measure of police, the exercise of a power which was exercised in every other country, namely, that of inspecting monasteries and other religious establishments. Such measures as those would prevent abuse, without interfering with the complete religious toleration which was the right of our Roman Catholic fellow-subjects. The Bill before the House, however, contained no such securities. It was a Bill which, in all probability, would never be enforced in England, while it was certain to be a dead letter in Ireland. It was viewed with contempt by the Protestants, and as an insult by the Roman Catholics. It would not prevent the complete organisation of the Roman Catholic hierarchy. It would not make Cardinal Wiseman one whit less Archbishop of Westminster than he was now. It would not prevent him from being designated by his title, and appearing under it at the altar. To futile legislation he was as much opposed as he was to penal enactments. He honoured and respected the Protestant feeling of the country, and though it had been roused by what had occurred, he hoped and believed that when the people saw the difficulty and danger with which all legislation on this subject was beset, they would be convinced of the inexpediency of encumbering the Statute-book with inoperative enactments, or of re-enacting penal laws, which, if effective, must necessarily interfere with our Roman Catholic fellow-subjects in the exercise of their religion, and thus violate the sacred principle of religious liberty.

The SOLICITOR GENERAL said, that he would endeavour to deal with this question dispassionately. In the first place, he would state the position assumed by the opponents of the Bill. There was one set of arguments urged by those who took what might be called the Roman Catholic view of the controversy, and the pith and substance of their reasoning might be stated thus: an established and organised hierarchy, say they, is essential to the interests of our religion; we are therefore entitled to have such an organised hierarchy. We can obtain that hierarchy from the Roman Pontiff alone; we are therefore justified in having recourse to the Pope for the purpose of obtaining it; and the Pope is entitled to grant us that hierarchy, and to do all that is necessary for the purpose of establishing it. Now, that under the conclusions which they drew from their premises there lay an egregious fallacy, he thought it would not be difficult to show. But before proceeding to deal with it, he would add to this summary the substance of the arguments of those members of the Protant community who were also opposed to legislation on this subject. They said, "You have, by the whole course of your legislation in recent times, conceded to the Roman Catholics the right to the full, free, unrestricted exercise and enjoyment of their religion. Now, an established hierarchy is essential to such exercise and enjoyment: therefore you are bound to complete the work you have commenced, and to grant to them the establishment of that hierarchy." These were the substance of the arguments of the two sections of the opponents of the Bill; and, according to his view, it was impossible to reflect, for a moment, on these two propositions without detecting the enormous fallacies which they involved. The comment on these propositions was this: the end desired to be accomplished might be reasonable and just, but the means adopted to accomplish it, if in themselves illegal, were not necessarily sanctified and made legitimate by that end. He would assume, for the sake of argument, and only for the sake of argument (for he pledged himself to enter upon the positions thus advanced by the opponents of the Bill, and he believed he would be able to show their insufficiency), that an organised hierarchy was essential to the religious interests of Her Majesty's Roman Catholic subjects, and that the See of Rome was the only quarter through which that organisation could be effected. But did it follow, therefore, looking to the law as it now stood, that the means resorted to for the attainment of this object were not illegal and unconstitutional, that they did not involve a violation of our municipal and ecclesiastical law, a violation of the public law of Europe, an invasion of the rights of the Sovereign, and an outrage on the national independence? Were they to be told that the Government and Parliament of this country, whose bounden duty it was to preserve the sovereignty of these realms inviolate, and to maintain the national independence unimpaired, and the honour of the country untarnished, were to see these great things outraged and invaded, because, forsooth, some persons might think one class of the community would be better governed by archbishops and bishops than by vicars-apostolic? He, for one, would never concede so monstrous a proposition. The advocates of the Roman Catholic side of the question had, it seemed to him, omitted to take into consideration this important element in this discussion, namely, the legality of their proceedings. He would ask this question, to which he challenged attention—had the Roman Pontiff, by the course which he had taken in partitioning this realm of England into provinces and dioceses, and establishing archbishops and bishops therein, and an organised hierarchy for the government thereof, and establishing sees for the exercise of the jurisdiction of these archbishops and bishops, invaded the prerogative of the Crown, and outraged the independence of the country? He should be glad to have this question answered. They had had abundance of declamation and invective; and the supporters of this Bill had been reproached in unmeasured terms with intolerance and persecution. In fact, had this been a Bill to re-enact the penal laws, and to suppress the Roman Catholic religion altogether, it could not have excited more unreasoning passion than had been displayed. He now called upon the opponents of the Bill to meet him fairly in argument, and he respectfully though fearlessly challenged an answer to the question—were the proceedings of the Roman Pontiff, and of those who abetted him, in the recent establishment of a Roman Catholic hierarchy in this country, consistent with the law of this country, and with the law of nations? He would ask this question—when the Roman Catholic religion was the established religion of this country, and when, therefore, the people owed and paid obedience to the Pope of Rome in spiritual matters, as the head of their Church, could the Pope then have taken on himself to do as he had now done? Undoubtedly not; and that would be a bold man who, in this House or elsewhere, would stand up and reply in the affirmative to that question. Every one also who knew, however slightly, the history of England—every one who was acquainted, however superficially, with the tenor of our legislation in regard to the relations of England with the See of Rome, was well aware that at no period was the Pope of Rome ever permitted to exercise in this country any absolute jurisdiction whatever in the appointment of bishops. At this point of the discussion he would not go into needless details, but a rapid survey of the history of the country in this respect might not be without use. In the Saxon Christian period there was abundant evidence to show that the division of the country into dioceses was exercised solely and exclusively by the King. Edward the Confessor, for instance, finding two bishoprics in existence, and perceiving that they were not adequate, took upon himself, without any authority from, or, indeed, any communication with, the See of Rome, to add three new bishoprics to the number; and from that age down to the time of Henry I. not the slightest attempt was made by Rome to encroach upon that which was the undoubted prerogative of the Crown of England. There was no doubt that bishops sought and obtained confirmation from the See of Rome; but there was as little doubt that, in early ages, the bishops were elected by the clergy, and confirmed by the Crown, and that the sanction of the Pope was only appealed to as a concluding formality. For the first time, in the reign of Henry I., an attempt at encroachment was made, and they all knew the result, which was a compromise on the subject of investitures. But from the time of Henry I. to the time of Henry VIII. every further encroachment was stoutly resisted, and expressly prohibited by Acts of Parliament. Let them glance for a moment at the spirit in which the English Parliament acted in those distant days. A very able pamphlet, from the pen of Mr. Edward James, of the Chancery bar, entitled, *Has Cardinal Wiseman violated the Law?* had been published on this subject; and this pamphlet contained a succinct summary of the points to which he (the Solicitor General) desired to call attention. In the year 1386, the Earls, Barons, and Commons of the realm petitioned the Sovereign for relief from the assumptions of the Roman See, which they characterised as destructive to the Church, prejudicial to the Crown, and injurious to the whole realm of England. The petitioners detailed their grievances, and among the rest that the Pope had presumed to institute persons who were in a state of heresy into benefices which were founded by the King for the purpose of instructing the people in the law of God. The result was the 35 Edward I., known as the Statute of Provisors, declaring the illegality of all such presentations. Rome, however, went on encroaching, and in 1343 it was enacted that no person, whether a subject, alien, or denizen, should presume to bring into England any letters, bulls, rescripts, briefs, or other instruments whatever, prejudicial to the kingdom. In a subsequent year, in answer to petitions, it was declared that any person who should presume to accept a bishopric by presentation of the Court of Rome should not be permitted to receive the temporalities of such see. In the 25th of King Edward III. the Commons, still pressed by Rome, again petitioned, and then was passed, in resistance, the statute known as the Second Statute of Provisors. Then came the Statutes of Præmunire, beginning with the 16th Richard II., c. 5. The object of these statutes and their effect were too well known to need explanation. He had referred to these points only for the purpose of establishing the proposition, that throughout the whole Roman Catholic period of our history the Legislature never for a moment admitted the right of the Papal See to nominate bishops in this country. They were elected by the clergy, and nominated or approved of by the Crown; but with their nomination the Pope never was permitted to interfere. Well, was this merely the law of England? Unquestionably not: it was the law of all the Roman Catholic States of Europe prior to the Reformation, and he might say, down to the moment at which he was speaking. The law of all Roman Catholic States was this —that no bishop could be appointed to a bishopric but by the Sovereign, or with the concurrence and assent of the Sovereign. From the evidence before the Committee that sat in 1816, this was proved to be the case. In Austria, the law to this effect was as old as the empire itself. In the Italian dominions of Austria there prevailed the same rule. In Spain—yes, even in priestridden Spain—the appointment of bishops rested exclusively in the Crown; and they did not permit the bulls for institution of bishops to be introduced until the sanction of the Government of the country had been obtained. In France, again, they found the same rigid law. Vigorously in all times had the rulers of that country asserted the independence of the Gallic Church. The law of England was then the same as the law of the rest of Europe. Repeatedly in England our courts of justice had put aside bulls received from Rome, and visited the parties who introduced them here with loss of liberty, fines, and imprisonment, and even with capital sentences, for in the reign of Edward I., a man was sentenced to death for introducing a Papal bull excommunicating another person into England; and only at the most earnest entreaty of the Chancellor and Treasurer, could the king be prevailed on to commute the sentence into banishment from the realm. If that were so—if he had made out the proposition, that by the law of this country, supported by the law of all Europe, it was not competent for the Pope to appoint a bishop in England—if the Roman See had not that power in Catholic times, when the religion of England was Roman Catholic, he would ask by what law, or constitution, or process, had the Pope of Rome obtained such power now? He thought that was a fair question, and he was curious to see how it would be answered. The only argument of the Roman Catholics respecting the interference of temporal sovereigns in the appointment of archbishops and bishops, was, that in Roman Catholic times and in Roman Catholic countries bishops and archbishops possessed temporal possessions, and exercised power, authority, and jurisdiction, and that on this account the concurrence of sovereigns in their appointment, had been rendered necessary. He understood the distinction, and he agreed with those who said that a bishop might be appointed for purely spiritual purposes, as for consecration, for ordination, for confirmation, and the general administration of the offices and sacraments of the Church. He could understand that these things were purely spiritual; and if this Papal rescript had been entirely confined to appointing bishops for the purpose of exercising purely spiritual jurisdiction and authority, he would admit that there would be a good deal in the arguments advanced by the opponents of the Bill. But there was nothing whatever which made the proceeding of the Pope in this case at all analogous to what had been done with regard to sending a Protestant bishop to Jerusalem, there to exercise spiritual jurisdiction over the subjects of Her Majesty, or other Protestants residing in those parts, and voluntarily submitting themselves to his spiritual authority. The Protestant bishop at Jerusalem was there without a see, without a diocese; but when the Pope proceeded to divide an independent realm into districts and dioceses, and to appoint bishops to exercise complete jurisdiction over them, was not this exercising territorial sovereignty? ["No, no!"] Hon. Members called "No, no!" lustily; but he would turn to the rescript of the Pope, and what should he find there? He was reading from the translation "published by authority," which, as he took it, meant the authority of Dr. Wiseman. He found that the Pope proceeded, by his letter-apostolical, first to direct the appointment of two new sees or dioceses in the metropolitan district, being Westminster and Southwark. He then came to the northern district, where he found there was to be only one episcopal see, which was to receive its name from the city of Hexham, and this district was to be bounded by the same limits as hitherto. Then came the York district, which was to form one diocese, and the bishop to receive his title from the city of Beverley. Next followed the Lancashire district, in which there were to be two bishops, of whom one was to take his title from the see of Liverpool, having within his jurisdiction the Isle of Man, and other places including West Derby; and the other was to receive his from the city of Salford. The Pope then, after arranging many other districts came into the east, and in the city of Northampton constituted a single bishop. Now, he begged to ask by what authority did the Pope of Rome or those who supported him elevate the towns in Her Majesty's dominions into cities—towns which were not cities? It was well known that according to general usage and general practice if a town or place was named as the seat of episcopal jurisdiction, in which a bishop exercised his functions, it became elevated, *ipso facto,* to the rank of a city. He asked if the opponents of this Bill would deny that proposition? It was unquestionably as he had stated, that any city which enjoyed that name did so on account of its being at present or at some past time the seat of one exercising episcopal jurisdisction. The fact was so inherent, that although the bishopric were dissolved, as in the case of Westminster, the city would retain its title. Either the Pope intended to raise these towns into cities, or else it was contemplated that the elevation would be accomplished by making them the sees of bishops; but he could not see how it could be said that such a proceeding did not involve territorial jurisdiction and authority on the part of those who constituted the diocese. But it was alleged that it was not intended to assume territorial or temporal jurisdiction, but only purely spiritual authority. But he would turn to the brief again, and see how that matter stood; and he found that this was what the Pope directed with regard to the authority and jurisdiction of these bishops, and to which he prayed the attention of the House. The words of the rescript were these:—

> "But in the sacred government of clergy and laity, and in all other things appertaining unto the pastoral office, the archbishop and bishops of England will henceforward enjoy all the rights and faculties which the other Catholic archbishops and bishops of other nations, according to the common ordinances of the sacred canons and apostolic constitutions, use, and may use; and are equally bound by the obligations which bind the other archbishops and bishops according to the same common discipline of the Catholic Church."

Now, after these words, he would ask, what was the difference intended to be established between the archbishops and bishops in England and other countries, and whether territorial rights and authority did not follow spiritual functions in other countries? In those countries where Roman Catholic bishops exercised authority they wielded powers not merely spiritual, but all the functions attached to the pastoral office, many of which were of a temporal character. Now, all those powers were intended to be extended by this rescript to the Roman Catholic archbishops and bishops in England. The Pope said in that instrument that these new archbishops and bishops would be "equally bound by the obligations which bind the other archbishops and bishops according to the common discipline of the Catholic Church," and then the rescript went on thus:—

> "And whatever regulations, either in the ancient system of the Anglican churches or in the subsequent missionary state, may have been in force either in special constitutions or privileges or peculiar customs, will now henceforth carry no right nor obligation; and in order that no doubt may remain on this point, we, by the plenitude of our apostolic authority, repeal and abrogate all power whatsoever of imposing obligation or conferring right in those peculiar constitutions and privileges of whatever kind they may be, and in all customs, by whomsoever, or at whatever more ancient or immemorial time brought in. Hence it will for the future be solely competent for the archbishop and bishops of England to distinguish what things belong to the execution of the common ecclesiastical law, and what, according to the common discipline of the Church, is intrusted to the authority of the bishops."

Was there not to be seen in that passage evidence of giving to the episcopacy power besides and beyond what was purely spiritual? Under the authority which the Pope had given to the new bishops, a priest might be suspended—or might be deprived; but it was obvious that the power of suspension or deprivation given to the Roman Catholic hierarchy was not only of a spiritual but an ecclesiastical and civil character, and involved rights and privileges of a temporal kind. For the office of a priest carried with it not only spiritual duties but a civil *status;* a cure of souls might have, and generally had, temporal emoluments attached to it: to deprive a priest of either of these implied, therefore, civil and temporal authority. Moreover, a priest thus deprived of temporal advantages might appeal to the courts of law in this country to enforce his rights; for the rights which Lord Mansfield held to belong to the Protestant Dissenters had since been admitted to belong to Roman Catholic priests; thus a court of law would be brought into conflict with what was called the spiritual jurisdiction of the Church of Rome. He used this argument for the purpose of showing that the jurisdiction proposed to be exercised by Roman

Catholic bishops was a *quasi* civil jurisdiction, and something beyond a spiritual jurisdiction—a privilege which could not be given to any man but by the law of the land; for such powers and privileges could only come from the authority of the law, or from the grant of the Sovereign. Then they were told that this being a Protestant country, Roman Catholic ecclesiastics could not accept authority from the Sovereign, and that consequently it must emanate exclusively from the Supreme Pontiff. But what had taken place in other parts of Europe? In all Protestant States, in which Roman Catholic bishoprics had been established, this had been done by arrangement between the Sovereign and the Pope. As the See of Rome had obtained on all occasions, in the first instance, the consent of the reigning Sovereigns for the establishment of a hierarchy, what was there to prevent the Pope from pursuing the same course here? If the Catholics had any grievance to complain of, was there anything to prevent them from appealing to the Legislature, or from coming to that House for any alteration in the law, if necessary, in order to place them in the position they desired? There was nothing to prevent them from coming to the Legislature for the purpose of seeking protection for their religion by legal, by constitutional, and by authorised means, instead of by encroachment upon the rights and prerogatives of the Sovereign of these realms. It must be confessed on all hands that the Roman Catholics, if they wished for the establishment of a hierarchy, had not taken the right course to obtain it. If they did not choose to do so, that did not justify an assumption of temporal jurisdiction and sovereignty on the part of the Pope. It mattered not to him (the Solicitor General) whether there had been an intention of insult in such assumption. He did not care what had been the intention—he looked only to the results. Could any man for a single moment deny—whatever might have been the intention—that the result had been an invasion of the sovereignty of the Crown, and of the liberties of this free and independent country? But it had been said, that the Pope had done no more now than he had been doing for some few centuries back by means of the vicars-apostolic. He (the Solicitor General) altogether denied that proposition. The vicars-apostolic had no sees; they had no dioceses. The vicars-apostolic were not authorised to enforce a law foreign to the law of England; they had no power to introduce the canon law. They had nothing but the simple spiritual jurisdiction of ordinary ministers of religion. That was an essential difference. Then it had been said that the requirements of the Roman Catholic religion rendered the introduction of a hierarchy requisite. But no one had established this position by anything like proof. The noble Earl the Member for Arundel had indeed said, that certain irregularities which had taken place, rendered the appointment of the new bishops necessary. How far the noble Earl had stated this of his own knowledge he did not know. But according to general experience, the life and conduct of the Roman Catholic clergy had been exemplary in the extreme, and no one had heard of irregularities on their part. Why was then the change required? Dr. Wiseman had said—and he (the Solicitor General) thought there was a good deal of truth here—Dr. Wiseman had said, in his *Appeal to the People of England*, that they wanted to introduce the canon law into this country, and could not do it under the vicars-apostolic, and without a hierarchy. He said nothing, however, with regard to religion, and of the necessity of these bishops for its advancement. He (the Solicitor General) begged to ask if the Roman Catholic religion had declined under the vicars-apostolic? Did not the brief itself recite that the numbers of the Roman Catholics were increasing—that their religion was most flourishing and most prosperous? Then why was the hierarchy necessary? Dr. Wiseman had let out the facts in his *Appeal*, namely, that they wanted to establish the canon law, and wanted synodical action; but he had said nothing about the discipline of the Church. He (the Solicitor General) asked if any one amongst them desired to see archbishops and bishops appointed in this country not under the control of the Crown, and owing only a divided and secondary allegiance to the Sovereign and the laws of this country—the first being due to Rome, as the fountain of all jurisdiction? Did they wish to see a pontifical synod appointed by the Bishop of Rome? He, for one, did not. They had enough of it in the woeful experience of the sister country. They had not forgotten the Synod of Thurles. They knew that that synod of ecclesiastics had set itself in direct opposition to the enactments of that and the other House of Parliament. The Legislature has determined that there should be colleges established for the education of the people. A large sum had been voted for that purpose. The grant had been received with universal satisfaction by the reflecting portion of the Roman Catholic people of Ireland; but it had so happened that at that time the See of Rome had sent to Ireland and placed in the great Archbishopric of Armagh, if he were not mistaken with the name, Dr. Cullen.

MR. M. O'CONNELL said, that at the time referred to it was Dr. Crolly who was Archbishop of Armagh, and that it was not till fourteen months afterwards that Dr. Cullen had been sent.

The SOLICITOR GENERAL said, that Dr. Crolly was, no doubt, an assenting party to the passing of the Act. But he unfortunately died, and was succeeded by Dr. Cullen, who, though an Irishman by name, was to all intents and purposes an Italian monk. [An Hon. MEMBER: He never was a monk. He was president of the Irish College at Rome.] In defiance of the usage of the Irish Roman Catholic Church, Dr. Cullen was elected. The established usage was, that upon a vacancy the clergy should send three names to Rome for the selection of the Pope. They were also in the habit of writing against one name the word *dignus*, against the other *dignior*, and against the third *dignissimus*, which last was usually appointed by the Pope. On this occasion the Irish clergy sent three names, but the Pope passed by them all, and, violating the established usage and practice of the Church, sent Dr. Cullen to Ireland as Archbishop of Armagh. Dr. Cullen had never exercised pastoral jurisdiction in Ireland before. He summoned the Synod of Thurles, and, by his casting vote, decided that the Roman Catholics should not adopt the colleges which were being established under the provisions of the Act of Parliament. Now, was that interference spiritual or ecclesiastical? Did the people of this country desire to see a synod of this description sitting in England? [*Cries of* "No!"] To their own established Church of England they did not allow the use of convocation, and yet the Convocation of the Church was subject to the control of the Crown, was summoned by the authority of the Crown, and presided over by a person authorised by the Crown: the Crown had power to prorogue it, and power to dissolve it. The bishops and persons who composed it were persons over whom the Crown had at all times control. But the Convocation had been found inconvenient, and was now disused. Yet they were asked to sanction the synodical action of a body over whom the Crown had no control — with whose convocation the Crown had nothing to do—and whose procedings the Crown had no means of controlling. Would they desire to see synods erected, composed of such materials, and, it might be, acting in direct competition with the Established Church, and perhaps in conflict with the Imperial Legislature? According to the spirit which they saw at present evinced in the Church of Rome, they would not find any reason to believe that these powers, prerogatives, and privileges, would be exercised with any degree of moderation and forbearance. The history of what was passing in other States did not inspire them with such a hope. In Belgium, the State and the clergy had been in conflict for a long time, and among other subjects on that of education. The education of the people there had been prevented and frustrated by the clergy, whose opposition had emanated from the See of Rome. In the kingdom of Sardinia the clergy had put forth most extraordinary pretensions. They had claimed immunity from the laws of the country; and because the Legislature had put an end to the equivocal state of things which had before existed, and had put the clergy on the same footing with the rest of the State—when one of the Ministers who had been a party to that legislation lay on his death-bed, the Archbishop of Turin had peremptorily forbidden the administration of the sacrament to him unless he would retract, and express his deep repentance for all participation in that legislation. These were pretensions which they might see set up in our own country if the evil were not checked in time. If he wanted any further illustration of the necessity which was laid on them to proceed with care and caution in this matter, he could not have better proof than in the Pontifical rescript itself. He wished to say nothing offensive to Roman Catholics. He entertained the greatest possible respect for their religion—he had had some of his dearest friends who were members of the Roman Catholic communion. He said, however, what he thought they themselves could not deny, what their ecclesiastical history proved, that on the part of the priesthood—he did not mean the working clergy, who were generally most exemplary men, but he meant the higher order—that on the part of the priesthood there was continual encroachment, assumption, and aggression, and a desire of unbounded dominion. They must be careful; for what was the intention of the recent movement? He turned to the language of the bull, and he found that the Pope said—

> "Wherefore, after diligently weighing the state of Catholicity in England at the time that now is, and after reflecting upon the increase which, in various places, is manifest in the already large number of Catholics, and after considering how the hindrances which stood in the way of the spreading of the Catholic faith are daily being removed, we have judged that the time has come in which that form of ecclesiastical government may be restored in England, which freely prevails in other countries where no special cause requires the extraordinary ministry of the vicars-apostolic. In forming this judgment, we feel that the circumstances of times and things had rendered the government of the Catholics of England by vicars-apostolic no longer necessary; and, indeed, that such a change had taken place that called for the establishment of the ordinary form of episcopal rule in that kingdom."

These were ominous words to his mind. A schism had been prevailing in their own Church arising from a mediæval tendency in a certain class, and a fondness for the picturesque in religion. Many were passing over to the Catholic Church, and others were passing over to what, if it was not Catholicity, was at least something very like it. These were the "times and circumstances" when it was thought the time had come when a great blow might be struck—when the contest might be renewed for the prerogatives, power, advantages, and emoluments of the Church. It was, therefore, incumbent upon the House to be watchful and wary. Whatever was essential to the exercise of the Roman Catholic religion, let it be granted, not as a matter of favour, but of right. But, on the other hand, let them be careful to allow of no evasion or encroachment upon the law or the constitution. The hon. and learned Member for Plymouth had said that it was time enough to remedy the evil when it had actually occurred. In this he did not concur; he thought the time to check the mischief was before it had gathered to a head. Let them take their stand upon the law and the constitution of the country. An hon. Member had remarked that in every instance in which they admitted of an invasion of the law, it was afterwards set up as a claim. Thus, they had been told of the existence of vicars-apostolic, and it was said that we had permitted in Ireland for several centuries the evasion and infraction of the law by the appointment of bishops by the Pope. Ireland was undoubtedly an exceptional case. In Ireland we had a Roman Catholic population and an Established Church that could not minister to that population—there were Roman Catholic bishops there before the Emancipation Act—they were continued there after it passed—and we were told that the British Government had compromised matters by acquiescing in a passive evasion of the law. He admitted it. But was there no difference between the way in which the law was evaded in Ireland, and the manner in which it had been invaded in England? Had the Roman Catholics published their bulls in the face of the whole empire, and of the Government in Ireland? Had the Pope sent a cardinal there with his red stockings and his cardinalitial hat? No. Had he assumed territorial titles there in the face of the Government and of the law? No. In all their communications, the Irish Roman Catholic bishops had exercised a wise forbearance and a moderation which they felt to be necessary. They knew there was an Established Church in the country, and an existing law. They knew that Government was desirous of giving them the full exercise of their episcopal jurisdiction, so far as that could be beneficial to their flocks, and they felt that it would not be consistent with reason and justice, or with a due and grateful sense of the forbearance exercised towards them, openly to evade, and avow, and exult in, a violation of the law; and therefore there was a great difference between what had taken place in Ireland and in England. But, mark the consequence. From a desire not to interfere with the Roman Catholic people of Ireland, we had allowed the law to be evaded; and what was the consequence? We were asked—now that an act of aggression had been made on the part of the Pope, and when it had become necessary to vindicate the majesty of the empire and the law—what right we had to do this when we had allowed a violation or invasion of the law in Ireland? So that that which was concession, had been transformed into a claim and a defence. He owned that he deeply regretted the necessity of including Ireland in the present Bill; but was the state of things in Ireland different from that in England? Why, when they found the Pope appointing to an archbishoprick in Ireland, contrary to established usage, a person not nominated by the members of the Roman Catholic Church, was not the state of things in both countries the same? What was to prevent, after a short time, the Pope from sending foreign ecclesiastics into this country, over whom we could exercise no control, seeing that they owed no allegiance to our laws, but were bound only by their canon law? It did appear to him, under those circumstances, that we were bound to protect the laws and realm of England by some act of the Legislature. He had heard it said that this matter ought to have been settled through the intervention of the Foreign Office. The right hon. Baronet the Member for the University of Oxford had suggested that we might have sent a fleet to Civita Vecchia. Suppose we had. Suppose that, instead of coming to that House for an Act of Parliament to repel the aggression, it had been treated as a matter of national concern, and that the noble Lord at the head of the Foreign Office had sent a fleet and bombarded Civita Vecchia: what an outcry would have been raised! How would it have been said—"Oh! look at this monstrous tyranny of the strong against the weak! Here is this mighty kingdom of Great Britain going to oppress and crush a poor old man, exercising in his own country great spiritual powers, it is true, but who, as respects his temporal kingdom, is no more than a prince of the lowest possible order." Did the hon. Baronet join in the same cry last year, when the noble Lord had sent the British fleet to Greece? Could any body entertain a doubt that to proceed in the matter suggested—to make this matter a *casus belli*—would have covered the English Government with ridicule beyond anything ever before heard of? No: it was not worth our while to enter into any hostilities with the Roman Pontiff. We had the remedy in our own hands. We could deal with our subjects be they Protestants or Roman Catholics; and if they did an act which involved an invasion of the sovereignty of this realm, and if they took territorial titles which by law they were not competent to take, it was for us, by new legislation and by laws adequate to the occasion, to prevent the perpetration of an offence against the constitution. He had to thank the House for their attention. It appeared to him that this was a case of the last importance; and it was not enough to say that the Bill was a small measure to meet an evil of great magnitude. It would be, he believed, sufficient to prevent the realisation of the scheme of territorial titles and of hierarchical encroachment. They told us themselves that they could not have territorial dioceses or full episcopal jurisdiction—that they could not introduce the canon law, or hold synods, most probably to frustrate British legislation, except they had bishops with local dioceses and territorial names. We should prevent that by the Bill; we should thereby frustrate the scheme now in agitation, and at the same time preserve the liberties and maintain the rights of this free and independent nation.

MR. CARDWELL said, he had witnessed the rising of the hon. and learned Gentleman the Solicitor General with great pleasure, not only because he expected to have a speech characterised by great ability and power, but because he hoped to have, at that late period of the debate, from one of the law officers of the Crown, a clear and full explanation of the measure under discussion, by which great evils were supposed to be redressed. In that hope he had been disappointed. The hon. and learned Gentleman had told the House that the municipal law of England, and the national law of Europe, had been alike violated, that the honour of the country had been attacked, and the rights of our Sovereign aggrieved. He asked the hon. and learned Gentleman, where had Her Majesty's Government been all the time? Did the hon. and learned Gentleman mean to say the municipal law had been disregarded, the international law scandalously infringed, a territorial invasion perpetrated, that a foreign Prince, and the representatives of a foreign Court, were governing Her Majesty's subjects with temporal jurisdiction, and that the Executive Government had all the time made no sign, and had not even remonstrated with that foreign Power? Did he mean to affirm that acts of treason had been committed within this realm, and against the positive law of this kingdom, and the law officers of the Crown had taken no steps for the vindication of the Sovereign? But, above all, did he mean to say Government now relied on the Bill before them for the vindication of the wrongs that had been done? He would now invite the House to the consideration of the Bill, which the House had, no doubt, observed the hon. and learned Gentleman had entirely omitted to speak about. The hon. and learned Member said there were two classes who opposed the Bill—the Roman Catholic party, who demanded, and thought they had a right to the hierarchy, and those Protestants who treated the menaces of the Papal power with indifference, and had no objection that the Roman Catholics should obtain their demands. But the hon. and learned Gentleman forgot there might be Protestants who regarded the act of the Pope with feelings akin to his own, and who did regard this act of the Pope as an aggression on the rights of this country of a serious and most important character, but who, nevertheless, could not give their sanction to the proposed measure. In the course of the hon. and learned Gentleman's speech, he had ingeniously endeavoured to show that the bishops nominated by the Pope had not only spiritual but temporal power, that they were about to introduce the canon law, and establish synods, with archbishops and bishops, whose acts should stand side by side with acts of the Imperial Parliament; and that they had invaded the prerogative of the Crown; but he would ask the hon. and learned Gentleman if the Bill was a measure by which he proposed to prevent all that? To his Roman Catholic fellow-subjects he (Mr. Cardwell) declared that he regarded what had been done as an aggression on the rights of his country, the more serious because unprovoked. In the course of that debate he had heard doctrines laid down respecting the nature of civil and religious liberty which were not consonant with those the people of England had been accustomed to regard as their true meaning, or as sanctioned by the law, or consistent with history or the legal authorities on which they were accustomed to rely. He could not forget that such doctrines were not those of Locke, or of Lord Somers, but were doctrines emphatically denounced by Blackstone, as fatal to all the duties and obligations of the social state. Surely these doctrines of civil and religious liberty, unlimited as regards the individual, were subject to a very important limitation as regarded ecclesastical combinations, or churches. It was the right of every man to worship his Creator according to the dictates of his conscience, without limitation; but the rights of a Church, as an ecclesiastical body, must be bound by the law of the civil government of the State; and the exercise of its power must be confined by the safety and convenience of the State. Why did they close the Convocation of the Established Church, why did they subject her to writs of prohibition issuing from the temporal courts, and carry her appeals to the Privy Council? Why did they maintain the supremacy of the Queen, and the control of Parliament, but that no danger might arise to the State? An allusion had been made to the United States in the course of the debate; but he would ask was there any throne there to which the successor had been changed on account of his religion—had they a Bill of Rights, an Act of Settlement, a coronation oath, or an oath by which Roman Catholic Members took their seats? These institutions were firmly established here; and, consistently with them, we had secured for our Roman Catholic fellow-subjects perfect toleration by the Act of 1791, and perfect civil equality by the Act of 1829. He would ask the Roman Catholics if they, thus living on terms of freedom and equality, under the shelter of Protestant institutions, chose to make a change, was it not necessary to consult the convenience and the wishes of the country in which they lived? They had not consulted the convenience of the country, the wishes of the people, nor the safety of the Sovereign, and in doing as they had done they had committed a substantial aggression. He was not dwelling on mere words, phraseology, or shadow, but was dealing with a substance. The Roman Catholics had changed a missionary church into a normal church, and had done so under circumstances, as it proved, hazardous to the general tranquillity and content of this Protestant realm. But what remedy had the Government provided in their Bill? When it was incorporated with the Statute-book the red-stockinged Cardinal would still remain, and bulls, the introduction of which the hon. and learned Gentleman so much dreaded, would still be admitted. Of all things the hon. and learned Gentleman had the greatest objection to the introduction of the canon law. Whether he had been consulted in the drawing up of the Bill, he (Mr. Cardwell) could not say; but he knew that in the one clause to which it was now reduced, there was nothing whatever to prevent the introduction of canon law and the assembling of synods. Would it prevent the conversion of the money of young ladies to superstitious uses, to which the hon. and learned Gentleman alluded when he spoke of the pleasure with which he had heard the petition presented by the hon. Baronet the Member for the University of Oxford? But what effect would this Bill have upon such abuses? He had endeavoured to prove the bishops of a voluntary church exercised temporal authority because the courts of law would take cognisance of their by-laws made by the authority of the Church, and seemed to think the Bill defeated that power by preventing bequests and endowments. The hon. and learned Gentleman did not know that the three clauses designed to have that operation had been withdrawn, and therefore the only foundation on which he rested his argument as to temporal powers had fallen to the ground. What was the foundation laid when the Bill was introduced? They were told that when Dr. Cullen came from Rome and went to Ireland, he violated the law by taking the title of Archbishop of Armagh; that Lord Clarendon consulted the Attorney General and Solicitor General for Ireland, and received this answer—"Dr. Cullen appears to have violated the law; but we have only seen newspapers; we cannot get access to the fact in any other way than the newspapers; but they are not evidence; and we shall not obtain possession of the letter, and therefore Dr. Cullen cannot be prosecuted with success by the Irish Government." Now, would it be gravely believed that that was introduced as an argument for bringing in a Bill which would leave the law in England precisely as it was in Ireland, and that the day after the Bill was passed, the Government of England would consult the hon. and learned Gentlemen the Attorney General and the Solicitor General for England, who would say to them, "Dr. Wiseman has violated the law—we have only seen it in a newspaper; we cannot get access to the original letter, and therefore we cannot advise a prosecution of Dr. Wiseman?" The hon. and learned Gentleman had told them some remarkable cases in which foreign Powers did vindicate their authority against the Pope. He referred to the case of Henry I., but he had forgotten to tell them that Henry I., not content with that internal part of his proceedings, to which the hon. and learned Gentleman referred, addressed the Pope in these words:—

> "Be it known unto you that by God's help the dignities and usages of the kingdom of England shall not, during my lifetime, suffer any diminution. And even were I, which God forbid, so far to suffer myself to be abased, my nobles, nay the whole people of the land, would not in anywise permit it."

The hon. and learned Gentleman said they had passed a Bill by which they could negotiate with Rome. Then, he asked the hon. and learned Gentleman, if all those great calamities had happened which he spoke of—if the dignity of the Crown was insulted—if territorial rights were invaded—if a power to interfere in temporal matters had been assumed, why had they made no remonstrance—why was there nothing external done to relieve the country from the indignity which it had suffered? He asked that question for this reason, that he had been exceedingly struck by an observation made by the hon. and learned Gentleman. Appealing to the Roman Catholic Members, he used these words, "What is the meaning of all this ferment you have excited against us? You have spoken of us as if we were going to repeal the Emancipation Act."

The SOLICITOR GENERAL: What I said was, that they spoke as if we were going to re-enact the penal Acts.

MR. CARDWELL: That made good his argument. The Roman Catholics were as indignant with this futile Bill, as if it had been a stringent and effective measure. The Bill appeared to him to be just enough to irritate, but not enough to satisfy. It appeared to him as if they had suffered a great external grievance from the Pope, but were about to visit it on the loyal Catholic subjects of this country, and that they were doing it in this manner, not so as to vindicate the honour of the Crown, or repel the insult they had received, or add one iota to the security of Protestant institutions; but they were creating in the vitals of this country a little wound—a festering wound—the end of which they could not foresee, and the cure of which they could not undertake to perform. It appeared to him they were called on to assent to a measure which contained within itself no possibility of remedying the evil; because they should bear in mind that, restrain the assumption of ecclesiastical titles as they would, they were dealing only with the name, they would leave the thing just where they found it. There would be their archbishops, bishops, and synods; and there would be the canon law. There would be the whole usurpation entire and complete. They would have prohibited the usurpation of particular names under a penalty imposed by a clause which they knew they could not prevent being evaded, because they had seen it evaded in Ireland. He looked with as much jealousy as anybody upon the perpetual aggression of the Church of Rome. He feared there would be in this country a great public calamity, because he looked on religious discord and the perpetual dissent of one class of the community from another, as about the greatest calamity that could happen. He had uniformly endeavoured, adhering to the settlement of 1829, to remove all those obsolete enactments which had no force except that they were offensive to the feelings and irritating to the tranquillity of large bodies of his countrymen. He had done that in the earnest hope and expectation that by mutual moderation on both sides they might live together calmly and peacefully, believing as he did that truth was on his side, and that truth must prevail. But he must ask the forgiveness of his Roman Catholic friends if he said that that desire had not been without misgiving. He begged to remind the House of that remarkable passage in which the illustrious author of the Emancipation Act closed his speech in proposing it to that House. He said—

> "It is very possible that we may have a struggle; but the struggle will be, not for the abolition of civil distinctions, but for the predominance of an intolerant religion. Sir, I contemplate the progress of that struggle with pain; but I look forward to its issue with perfect composure and confidence. We shall have dissolved the great moral alliance that has hitherto given strength to the cause of the Roman Catholics.
>
> "We shall range on our side the illustrious authorities which have heretofore been enlisted on theirs; the rallying cry of 'civil liberty' will then be all our own. We shall enter the field with the full assurance of victory, armed with the consciousness of having done justice, and of being in the right; backed by the unanimous feeling of England, by the firm union of orthodoxy and dissent; by the applauding voice of Scotland; and, if other aid be requisite, cheered by the sympathies of every free State in either hemisphere, and by the wishes and the prayers of every free man, in whatever clime, or under whatever form of government his lot may have been cast."—[2 *Hansard*, xx., 779.]

It might be that the spirit of the Roman Catholic religion and the Protestant religion could not harmoniously coalesce; it might be that we were now about to enter upon this struggle; though he earnestly hoped that the day of that struggle might be averted. But of all wars the worst was a little war; and of all little wars the worst was a little civil war about religious matters. He was persuaded that by assenting to this Bill they would not vindicate the honour of the Crown; that they would not protect the sovereignty of Great Britain; that they would not repel this territorial invasion; that they would not accomplish any object by a solitary clause which it was known would be evaded, and could not be carried into effect. He believed that if the other clauses had remained in the Bill, he could have demonstrated that there was not one of them that could not be evaded. He, therefore, considered that by supporting this Bill, he should rather offer an affront than comply with the desire of Protestant England; that he would be doing much to render Ireland ungovernable; and that upon him would rest a share of the responsibility of that social strife which might arise on a subject in which they were now in the right, and in which, he agreed with the hon. and learned Attorney General, they must ever be watchful and cautious in their beginning, because if they put themselves in a wrong position, the retribution would recoil on themselves. Believing that that would be the effect of giving his support to the second reading of this Bill in regard to the safety of the country and the honour of the Crown, and those justly-excited feelings which Protestant England had displayed, he should refuse his concurrence to the second reading of this Bill.

MR. M. MILNES moved that the debate be adjourned.

MR. DISRAELI said, it would be well that the House should understand upon what day the debate would be resumed, as there were several important matters to come before the House which could not well be delayed.

SIR G. GREY said, that as the hon. Member for Bridport had consented to postpone his Motion, as there was no other notice of importance on the paper except that of the hon. Gentleman the Member for Carlow, he trusted there would be a general understanding that the adjourned debate should be pursued to-morrow.

MR. SADLEIR said, the Government were well aware of the circumstances under which he had placed his Motion on the books, and it was hardly possible to decline proceeding with it. It was a question of great importance, which had been postponed last Session, and he should feel bound to proceed with it upon the present occasion.

MR. DISRAELI wished to know whether the budget would come on for discussion on Friday?

The CHANCELLOR OF THE EXCHEQUER said: No, not on Friday. It was impossible to say on what day it would come on, as it was impossible to tell when the present debate would close. It would be taken the first night after this debate concluded.

MR. GOULBURN inquired whether the Motion with reference to the oath of abjuration would be taken to-morrow.

The CHANCELLOR OF THE EXCHEQUER: No, no.

Debate further adjourned till To-morrow.

The House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, March 18, 1851.

MINUTES.] PUBLIC BILLS.—2ª Court of Chancery (Ireland) Regulation Act Amendment.
3ª Designs Act Extension.

AFFAIRS OF CEYLON.

VISCOUNT TORRINGTON gave notice that it was his intention to move, on Friday, the 1st of April, "That a Message be sent to the House of Commons for a copy of the Report and Evidence of the Select Committee on Ceylon." In giving that notice, he trusted he might claim the indulgence of their Lordships for a few minutes, and that they would pardon him if he called their attention to the peculiar position in which he was placed. He considered that that was the earliest opportunity on which it would have been right or desirable for him to bring the subject, to which he was about to refer, before their Lordships. Before, however, he proceeded to make any farther observations, he would read for the House the Notice of his Motion. It was to send a message to the other House for copies of the Report and Evidence taken before the Ceylon Committee. The affairs of Ceylon had been much discussed in the other House; and the case was one that had attracted a considerable share of the public attention. He was aware of this—he knew this, and he was, therefore, anxious to take the earliest opportunity to vindicate himself from the charges that had been brought against him. He had been, he said, anxious to take the very earliest opportunity of doing that; but then, considering that, in the other House of Parliament, the matter had been before it for nearly three years—that Motions had been made regarding it, and that notice had been given for another Motion; (and he presumed that the notice that had been so given would be persisted in, and that the matter so long discussed and debated would at last be settled in the House of Commons;) he had also felt that it would be presumptuous in him to present himself to their Lordships' notice, until the matter should have been settled in the other House. He wished to call attention to a fact connected with this subject—and he trusted he was not out of order in doing so—but he saw, by the Papers of the other House, that a Motion had been proposed to be brought before the House of Commons, visiting the noble Earl the Secretary of State for the Colonies with severe reprehension, and charging him (Viscount Torrington) with sanctioning and participating in acts of a fearful nature: a charge was made against those, too, acting under his authority, or to whom he had given powers to act, at a dangerous and critical time, of inflicting punishments that were cruel and unnecessary — punishments which were inflicted upon persons who, according to his opinion, and that of every loyal man in the colony, were deserving of punishment, as being guilty of rebellion. Of that Motion notice had been given in the other House of Parliament for the 25th instant. By that notice, he, whilst acting as the representative of his Sovereign in a distant colony, was charged with acting with inhumanity; in fact, the charge against him was, that he had been guilty of grave and fearful crimes. He might, he hoped, say for himself, that those who were best acquainted with him were well aware that he would not intentionally be guilty of wanton cruelty — that his disposition would not allow him to commit such acts—and that nothing but the difficulty of the circumstances in which he was placed forced him to be severe, when at another time and at another moment his wish would be not to inflict the slightest pain on a human being. He believed that, in the position in which he had been placed, he had acted most conscientiously—that he had acted rightly—and that he had acted honourably. It was, however, to be remembered, that he was placed in very difficult circumstances, and in a distant colony, and that there the transactions complained of had occurred. He could not but call their attention to the fact, that there had been many *ex parte* statements made with regard to these transactions. He felt that, under the circumstances in which he was placed, it would have been derogatory to him to have taken notice of those statements, being fully aware that, when the proper time came, the Members of the Government would, whenever a charge was properly brought forward against him, come forward to defend him, and prove that these *ex parte* statements were incorrect, were unjust, were not to be substantiated. At the moment that he expected the charges against him to be brought forward, he found them to be withdrawn; and, in consequence of the Motion being withdrawn, he found himself placed in a most painful position. He was charged with crimes, and the accusation was not at once proceeded with. He was sure that their Lordships would feel for one placed in his situation; and what must be the feelings of his friends, his family, and his relations, when charges so grave were made against him by one so well acquainted with the facts as the hon. Gentleman who gave notice of the Motion containing that charge, and who had no excuse for not knowing all the facts. That Gentleman had gravely made a charge against him, and had lightly withdrawn it. He was aware of the reasons that Gentleman had given for withdrawing the charge; but he must say that, fully conscious as he was that the financial affairs of the country were at that moment of paramount importance, still he was inclined to think that the honour of a Member of that House, the honour of one of the principal Members of the Government, the honour of Her Majesty's troops who were engaged in these affairs, were not lightly to be put in the balance against a mere question of finance, but the case should have been brought forward, argued, and decided. It was, under these circumstances that he felt it to be his duty to bring this subject under their Lordships' consideration, by giving notice of Motion for the production of papers. He should feel it to be his duty on that occasion to state to them "a plain, unvarnished tale." He had no mystery—he had nothing to keep back—nothing to conceal. He would do so with the consciousness that he had done his duty to his Sovereign under most difficult circumstances. His would be a plain, ungarbled statement; it would be shown that there had been nothing of cruelty in his conduct —nothing done by him that was disparaging to his own honour or to that of his countrymen. He desired nothing but the honest judgment of their Lordships and the country upon his conduct. He would not conceal a single fact, and was ready to suffer punishment if he were proved to be guilty. He thought it wise and proper to allow a considerable time to elapse before bringing on his Motion, as he wished the House to be aware of his intention, and also that Members might be fully acquainted with the facts he was about to discuss. He had now only one word more to say. Perhaps, he was one of the most humble and inefficient Members of that House; but then he equally felt with the highest Peer that belonged to it the honour of being a Member of that House; and, at the same time, he had the same feelings as themselves, and he felt equally bound to guard from reproach his name and his family; he was anxious to show that he was not unworthy of the position he occupied, and that he had done his utmost that the title he held should be handed down untarnished to those who were to succeed him. Feeling that he had been hardly dealt with, and that the charge that had been made against him could not be sustained, he had come down to the House to announce that, on the day mentioned, he would make a statement to their Lordships; and he trusted to their Lordships for a fair and impartial hearing. He was sure that in that, the highest Court of judicature, justice would be done to him, and that its Members would put aside from their thoughts all statements that might have come to them previously on this subject; that they would listen to him calmly; that they would hear him patiently; and he hoped that, having done so, they would come to the conclusion that he had done his duty to his Sovereign and his country.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, March 18, 1851.

THE CENSUS.

MR. GOULBURN rose to put a question to the right hon. Baronet the Secretary of State for the Home Department respecting the schedules of inquiries sent forth to procure the information necessary for the census. On a former occasion he expressed something of the objections felt to answering all the questions that were put, but he did not fully detail the difficulties which existed regarding these returns. An Act, as the House would recollect, was passed, the main object of which was to obtain as correct returns as possible respecting the numbers and condition of the population of the united kingdom. The Act gave power to the Secretary of State to issue such other queries beyond those especially provided by the Act as might seem to him necessary. It appeared that on the present occasion papers had been sent to the ministers of religion in various parts of the country, and they were not only sent to officiating ministers, but to others in their parishes or within their districts. Of this he had not only to complain, but he had also to complain that the inquiries so sent were vague, and, in some respects, unwarrantable; for instance, they demanded a statement of the average number of persons attending the place of worship in which such minister officiated. The House, he had no doubt, must see that it would be hardly possible for any clergyman to answer such questions, unless he resorted to the practice of regularly reckoning in detail the members of his congregation. By those papers it was also required that the clergy should furnish the particulars of their incomes, from whatever source derived; and this with more minuteness than even for the purposes of the property tax had ever been required. Though this paper purported to be addressed to the clergyman of the parish, yet he (Mr. Goulburn) had received a letter from a most respectable clergyman, stating that he had not received such a circular, but that the registrar of the parish had received it, and had called upon him to furnish details of his income in conformity with it. Now that was surely never contemplated under the Act, and he begged, therefore, to ask the right hon. Gentleman whether he would not view these questions as being of no use, and calculated to excite needless alarm?

Sir G. GREY replied, that information under what was called the first class was absolutely required by the Act; that that demanded under the other class was furnished both now and on former occasions by means of those inquiries to which the right hon. Gentleman referred. He was a little incorrect in his statement on a previous occasion, when he stated that circulars informing the clergymen that they were not bound to give the information had already been sent to them; the fact was, that the circulars were ready to be sent, but they were not yet issued. The letters, as he said, informed the parties to whom they were addressed, that there was no legal obligation upon them to furnish the information required, but that it was very desirable to obtain the information; they were invited to co-operate in obtaining correct information respecting the means of education and of religious worship that existed in their respective districts. As to the letter from the clergyman to which the right hon. Gentleman referred, he thought there must be some mistake; for though the returns requiring the information had been sent to the enumerators, yet they had received instructions from the Registrar General not to issue them till a prescribed time, that time being after the parties should have received the circular to which he had alluded. The House must see that it was desirable to obtain as much and as accurate information upon such subjects as possible, and the public authorities in this case only required such information as the clergy could easily give.

Mr. GOULBURN said, that the right hon. Baronet, seeing the inconvenience of the system on which those papers were sent out, made it appear that the clergy, in his opinion, were not under any legal obligation to answer the questions which he put; but what did the Act say? It distinctly declared that the parties to whom such questions were put, under the authority of the Secretary of State, were bound to answer them, or incur a penalty not exceeding *5l.*, nor less than *20s.*

Sir G. GREY stated, that the opinion of the Attorney and Solicitor General had been taken, and they held that the penalty need not attach, unless in the cases which the right hon. Gentleman now brought under notice. According to the best legal opinions, the clergy were not bound to furnish the information requested in those papers. He did not believe that any clergyman would refuse to give full information on such important matters as the amount of provision for education and religious worship in their respective districts, which was admitted by all parties last year, in the debate on the Education Bill of the hon. Member for Oldham, to be so desirable to obtain. With regard to the incomes of the clergy, that was of very little importance, and might be withheld altogether, if necessary.

Subject dropped.

THE NEW HOUSE OF COMMONS.

Viscount DUNCAN, seeing the unpaid Commissioner of the Commission in his place, begged, in pursuance of notice, to put to him three questions: When the New House of Commons will be ready for the reception of Members? Whether the gilding of the roof, and other costly decorations of the New House of Commons, have been introduced under the sanction and by the order of the Commissioners of the New Palace of Westminster? What provision has been made for a better supply of water in case of any future accident by fire?

Mr. T. GREENE said, in reply to the first question, he could only give that answer which he had received from Mr. Barry, the architect, who was the only judge of when the New House would be ready for the reception of Members. His answer was, as soon as the walls were sufficiently dry. He (Mr. Greene) would explain that he should rather have said the walls of the adjoining lobbies, which had of course been pulled down since the alteration—as soon as they were dry enough to allow the workmen to proceed to finishing, which Mr. Barry expected to be completed by Whitsuntide. With respect to the second question, he could only say that it was the wish and the desire of the Commissioners that the New House of Commons should be fitted up in as plain a form as possible, so as to exhibit a strong and direct contrast to the House of Lords. They would understand, that whilst saying that, the Commissioners did authorise the introduction of the painted glass. He should also state that, with regard to the gilding, there were no written instructions; the feeling of the Commissioners was, that Mr. Barry distinctly understood from various conversations prior to the sitting of the Committee last year, that such was their desire, and they believed that such was being carried out. He was bound, in justice to Mr. Barry, to add that he had stated he did not understand the wish of the Commissioners to the extent; hence the ornaments in the New House of Commons, the greater portion of which had been stopped. As to the roof, the Commissioners fancied it was not right to have that painting removed, as considerable expense would be involved in its removal, and the Members of the House would be the best judges whether it would be desirable that it should be removed or not. He was bound, in justice to Mr. Barry, before whom he had laid these questions, to state to the House what Mr. Barry had said to him—that the whole of the gilding of the roof and the other parts, with the exception of such as was required to carry out the heraldic decorations contemplated in the original design, was, architecturally, of the plainest and most economic character consistent with the style of the building, and that the painting in the ceiling was introduced to relieve the heaviness and gloom of the oak framework, as well as to assist in the effectual lighting of the house by night. With respect to the third question he was not able to give any answer, because the supply of water belonged to the department of Woods and Forests. He understood it had been stated that there was a want of a sufficient supply of water, but the Commissioners had received no report upon the subject.

Mr. THORNELY wished to know, with reference to the third question, whether the Commissioners had ever thought of taking that supply of water from the river Thames, which flowed past the Houses of Parliament?

Mr. T. GREENE had already stated that the supply of water entirely rested with the Commissioners of Woods.

Subject dropped.

TITHE RENT-CHARGE IN IRELAND.

Mr. SADLEIR, in bringing forward the Motion of which he had given notice, said it was not his intention to discuss the subject in any other spirit than that which became the consideration of a practical subject in which the rights of property were intimately involved. It was his intention to relieve it as much as possible of everything like legal technicality. He should not give a history of Irish tithes; the ante and post Union statutes on that subject were very numerous: it would be sufficient for his purpose to state that the Legislature at one period substituted for tithes in Ireland a composition, and subsequently, for that composition, a perpetual rent-charge, variable in amount at certain intervals. But, in order that English Gentlemen should understand the injustice of the system of which he complained, it was absolutely necessary to ask their attention to the course of legislation in Ireland on this subject. There was no concealing the fact, that all legislation was practically determined by the decision and views of English Members. The number of Irish Members was insignificant. The numerical strength of English Members was predominant, and must always naturally prevail, even in legislation upon questions of purely Irish interest: it was, therefore, very important that English Members should understand this subject. The position of the rent-charge in lieu of tithes in England was, since the passing of the Commutation Act in 1836, this: that an annual rent-charge was substituted for the tithes of each parish, varying annually, according to the average septennial value of certain bushels and decimal parts of bushels of wheat, barley, and oats, as published, on the Thursday before Christmas-day in each year, in the *London Gazette.* But the position of the tithe rent-charge in Ireland was very different. By the 4th Geo. IV., c. 99, the composition substituted for tithes was calculated on the average of all sums paid on account of tithes during the seven years preceding 1821, to be varied by giving notice in any subsequent third year, according to the average price of wheat or oats, whichever may be the prevailing crop in the county. By the 5th Geo. IV., c. 63, all compositions were made subject to variation in the seventh and fourteenth years, and then only with reference to the average price of corn, as advertised in the *Dublin Gazette.* The price was only the price obtained in the Dublin market, and there was no system existing by which the price of agricultural produce within the city of Dublin could be satisfactorily ascertained. The next piece of legislation was in 1832, 2nd and 3rd Wm. IV., c. 119. In 1838 the 1st and 2nd Vic., cap. 119, was passed, the 7th section of which provided that all land liable to composition should be chargeable with an annual perpetual rent-charge equal to three-fourths of the amount of such composition, payable half-yearly. That Act provided that in Ireland those perpetual rent-charges should be strictly corn-rents, subject to variation every seven years, by the same machinery provided for the variation of the compositions for which they were substituted. Now, in England the "corn" was made to consist of wheat, barley, and oats; in Ireland it was confined to one description of crop wheat or oats, whichever was most generally cultivated in the county; and he contended that there ought to be a system which would secure a reduction of the tithe rent-charge equal to the notorious reduction in the value of agricultural produce in Ireland. In Ireland they were called upon to show the price of corn as stated in the *Dublin Gazette* before any alteration in the existing tithe rent-charge could be made. That was a very vexatious process, and it was very difficult to perform it legally; and then upon two certain Sundays the notices directed to be served must be posted upon the church doors of the parish. But what was to be done with several parishes which he knew, where there was neither church, chapel, conventicle, nor meeting place of any kind? With reference to the archdiocese of Cashel, in the county of Tipperary, the certificates appertaining to that extensive district had been partially removed to Waterford, and there was now great difficulty in knowing where the original certificates were to be found; and yet, in order to effect any alteration in the amount of the tithe rent-charge, according to the present state of the law, it is necessary to be prepared with proofs to establish the average price of grain for a given number of years, as published in the *Dublin Gazette;* to prove the posting of notices in a particular manner, and at a particular time, a task sometimes impracticable; and it is also requisite to find and produce the original certificate on which the composition was based. In England the average price of wheat, barley, and oats, was taken in 150 towns; the tithe rent was not charged by the prices of Mark-lane alone; and it was surely unjust that the alteration or diminution of tithe rent-charges in the backward county of Kerry, or the extreme western portion of Cork, should be regulated according to the price of agricultural produce in the city of Dublin. It was of great importance, not only with reference to this subject, but for the sake of other public objects, that there should be some well-regulated system for taking the corn average in Ireland. A system should be introduced which would provide for the ascertaining of the average price of corn within each county; and instead of variation being made in the amount of tithe rent-charge at septennial intervals, there should be a yearly variation, in accordance with the annual variation which might take place in the value of agricultural produce. He also wished to see the tithe rent-charge made an acreable charge, which would facilitate the transfer and sale of land into divisions suitable to the wants and requirements of the community. He did not want it to lead to such divisions and changes of the land as might be dangerous to Ireland; but the existence of the present Act prevented certain arrangements which would be beneficial to all, and unjust to none. Such a change as he suggested was, for example, important to the full and fair working of the Incumbered Estates Act in Ireland. He was also anxious to see the charge made redeemable. There were at present certain gentlemen, members of the Society of Friends, who objected upon religious grounds to purchase land so long as it was liable to a tithe rent-charge; but if there was a lessee, who was liable for its payment, the Quaker—terms being advantageous—had no scruple about completing a purchase. Under the operation of the existing laws for the relief of the poor in Ireland, ministers of the Established Church, it is contended by some, have frequently suffered alleged wrong, in having to pay a large amount of poor-rate; and it was said that if his (Mr. Sadleir's) views were adopted, some of the clergy of that Church would be left without an income. Now, he thought that at present the revenues of the Established Church were not equally divided amongst the working clergy, and a more equitable distribution of those revenues should take place, so as that each of those ministers should have a respectable competence. He did not wish to abandon any of his opinions with respect to the ecclesiastical anomalies which prevailed in Ireland, and which he thought were a disgrace to the Legislature. Of all countries under the sun, Ireland was just the one where no injustice, no acknowledged wrong, connected with the recovery or enforcement of tithe rent-charges, should be permitted to continue. That country was still labouring under the effects of successive misfortunes, unparalleled in the history of any country. The landed proprietors were chiefly Protestants. But this question, whilst it extensively and directly affected their interests and rights, was one which also affected the interests and property of the great mass of the Irish people. Looking at the pecuniary embarrassments of the owners of property in Ireland, he thought he was justified in asking the House to agree to the Motion of which he had given notice, namely, to pledge Parliament to substitute for the present system of levying tithe rent-charges in Ireland, a self-acting system, similar to that which prevailed in this country.

Motion made, and Question proposed—

"That it is expedient to substitute for the existing mode of varying the amount of Tithe Rent-Charges in Ireland a self-acting system, whereby the amount of all Tithe Rent-Charges in Ireland shall be increased or diminished every year, according to the average prices of Corn, as ascertained by public advertisement, in a manner similar to the existing method of varying Tithe Rent-Charges in England and Wales."

Mr. S. CRAWFORD seconded the Motion.

Sir G. GREY said, that the subject referred to in this Resolution was one of great complexity, and the right comprehension of which depended on the examination of minute details and the provisions of several Acts of Parliament; and he thought it would be extremely inexpedient for the House, at the suggestion of the hon. Gentleman, to commit itself to a particular course of proceeding, by passing this Resolution, without being in possession of the provisions of any Bill by which the object proposed could fairly be carried out. It was not very easy, without an intimate acquaintance with the subject, to follow the hon. Gentleman through all the topics of his speech, many of which seemed to have nothing whatever to do with the question before the House. It was the more necessary to see the specific alterations proposed in the shape of a Bill, rather than to agree to an abstract resolution introduced with a reference to a variety of other subjects, connected, no doubt, with tithe-rent charge, but which did not appear to come within the scope of the resolution. The hon. Gentleman had alluded to the redemption of tithes, to the methods by which he proposed to make them more marketable, and to the poor-rate charge on tithes; on all which subjects it was inexpedient that the House should pledge itself to a definite course without having the provisions of a Bill submitted to it. As he understood the Resolution, its object was to assimilate the law in Ireland to that of England, by dispensing with the necessity existing in Ireland for the individual tithepayers to take some proceedings, in order to reduce the tithe rent-charge which they were liable to pay, such charge being fixed, by Act of Parliament, at two-thirds the original tithe composition, that composition having been determined by a valuation made on a different principle in Ireland to what it was in England. He was not prepared to say, should it appear, on a careful examination of the Acts of Parliament relating to the subject, that there was no insuperable difficulty arising out of the circumstances under which tithe was raised in the two countries, that this was not a very fit subject to be considered by Parliament. But to consider it rightly, they ought to have it brought before them in the shape of a Bill, carefully framed, having regard to the original mode in which the tithe valuation was made in Ireland, as differing from that of England, and also to the various compositions that had been embodied in the Tithe Composition Act, and to the Tithe Rent Charge Act itself. If the hon. Gentleman was prepared to move for leave to bring in a Bill upon the subject, he (Sir G. Grey), on the part of the Government, would be perfectly ready to give his consent to the introduction of that Bill, and to consider its provisions. But he hoped that the hon. Gentleman would not propose to the House that it should come to what he (Sir G. Grey) thought would be a hasty and inconsiderate decision—that he would not ask the House to give a pledge which might be difficult to adhere to. He trusted, therefore, that the hon. Gentleman would not press his Motion to a division, but would now withdraw it, for the purpose of introducing it hereafter in the shape of a Bill.

MR. GEORGE A. HAMILTON said, he was quite ready to admit that the question had been argued very fairly and very temperately by the Member for Carlow. As it was likely he would withdraw his Resolution, according to the suggestion of the right hon. Baronet, he (Mr. Hamilton) was unwilling to occupy the time of the House; but there were a few points in the speech of the hon. Member which required observation on his part. In the first place, he must remind the House that the question he had raised, was one that did not in the slightest degree affect the occupying tenantry in Ireland. Under the provisions of the several tithe composition Acts, all lands must now be let tithe free, and no arrangement as to the mode of taking the averages could effect the tenant. It was possible, certainly, that it might affect the landowner; but he (Mr. Hamilton) did not believe that the landowners, either in England or Ireland, however distressed, would desire to secure an advantage for themselves if it involved an undue encroachment upon the rights of others. The hon. Member had dwelt much upon the system of averages in England; but he (Mr. Hamilton) would observe there was no analogy whatever between the case of England and Ireland as regarded the arrangement of the tithe composition. In Ireland, under the Acts introduced by Mr. Goulburn, in 1823 and 1824, voluntary compositions of tithes were encouraged, and the Acts provided that when such compositions were made, it should be on the following conditions: that the amount of the composition should be determined by the average of the sums actually received or agreed to be paid to the titheowner during the preceding seven years—that the composition should be in force for twenty-one years, with a power to either the titheowner or tithepayer to alter the amount of the composition every seven years, according to the average price of corn. That was the bargain made at that period. By a subsequent Act, the composition was made compulsory; and by 1st and 2nd Vic. it was converted into a rent-charge, with a deduction of 25 per cent. In England, by the Act of 1836, provision was made for the composition of tithes; but on the basis of the composition it was enacted that the clear value of the tithes for the seven years previous to 1830, should be taken, deducting only the expense of collecting, of marketing, and of preparing for sale. The full value then of the tithes, supposing them to be taken in kind, being settled, it was clearly fair and just in England that the value of each successive year should be variable according to the annual price of corn; but in Ireland the composition being fixed, not according to the tithe-owner's rights, but according to his receipts, and it being part of the arrangement that the variation should be septennial, it would be a breach of faith now, when prices were falling, to convert it into an annual variation. There were other considerations involved in the question to which he would briefly advert. Since the passing of those Acts in Ireland, the land had been relieved of parish cess, and the impost thrown upon the clergy, and a most unjust mode adopted of placing upon tithe rent-charge an undue proportion of the poor-rate. It would, therefore, be most unfair now to deprive the tithe-owner of any advantage which the Tithe Composition Acts afforded him. There might be some practical objections to the mode in which the averages were taken in the *Dublin Gazette*, or to the process by which the variations were to be effected. If the hon. Member should lay a Bill on the table for the purpose of meeting those objections, he (Mr. Hamilton) would be ready to consider it; but he must decidedly oppose the Resolution now proposed by him, which would pledge the House to adopt an annual instead of a septennial average, as being at variance with the conditions on which the compositions were originally established.

Mr. F. FRENCH said, he was favourable to the Resolution, though not for all the reasons which had been alleged in its favour by its Mover. He should be sorry to do anything which would have the effect of propping up that enormous injustice, the Incumbered Estates Act. Upon the whole, he should prefer to see the object of the Resolution embodied in a Bill. There was no reason, in the abstract, why the clergy in Ireland should not have the benefit of an increase in the price of corn, as in this country. The proposition of his hon. Friend the Member for Carlow was a fair one; but he hoped he would accede to the suggestion of the right hon. Baronet by the Home Secretary.

Mr. S. CRAWFORD considered the existing difficulties in taking the averages, in order to determine the amount of charge, were so great as practically to render the previous legislation on the subject abortive. But, however, he recommended his hon. Friend to accept the proposition made by the right hon. Baronet.

Mr. GRATTAN advocated a septennial in preference to an annual average, as more equitable to all parties. His hon. Friend the Member for Roscommon had objected to the operation of the Incumbered Estates Bill. He believed that the general opinion was, that the Incumbered Estates Bill had operated as a robbery. ["Oh, oh!"] He had read in the papers, only the other day, that an estate having a rental of 380*l.* a year, could only gain a bidding of 1,500*l.*

Mr. SADLEIR would not occupy any further time this Session in discussing the question. He had given notice, at an early period of the Session, to move for leave to bring in a Bill on the subject; but he had been remonstrated with by many hon. Members for attempting to deal with a subject so large that Government only ought to undertake it; and this had induced him to give up his intention, and to submit his Motion and his reasons in their present form. But since, he had received an intimation from Government, that a Bill, if introduced by him, would not meet with Government opposition; and, as he hoped that Government was disposed to recognise the principle for which he contended, although the task of introducing a measure of so much importance was usually distasteful and objectionable to a private Member, he would, on the encouragement held out, give his attention to the question, with the view of introducing a measure on the subject at an early period. With that understanding he would withdraw his Motion.

Sir H. W. BARRON hoped Government would take up the matter, as it was not, or ought not to be, a party question; and Government were, therefore, bound to effect practical good whenever they had an opportunity. The question was not one of such immense difficulty as that it could not be grappled with, even by the present Government.

Motion, by leave, withdrawn.

THE RAJAH OF SATTARA.

Mr. C. ANSTEY was not going to bring old topics before the House, but a new topic, which had arisen within the last six months. A petition had been presented by the hon. Member for Montrose in relation to an infant, the lawful heir of the Rajah of Sattara; which petition, though printed and sent to Mr. Greville, had not been duly brought before the Privy Council by Mr. Greville, the clerk of the Council. The petition was, to obtain the settlement of claims, not of a political character, but to obtain restitution of private property belonging to the late Rajah of Sattara, taken possession of by the British Government, on the mistaken assumption that the Rajah died without heirs. The infant, the subject of the petition, who had been adopted and recognised as the heir of the Rajah, sent a petition to the Privy Council; which petition was not presented by Mr. Greville, who, in a note, informed the petitioner, "that the matter of the petition being of a political nature, did not come within the jurisdiction of Her Majesty's Privy Council." This proceeding of Mr. Greville was in the nature of a denial of justice, and the conduct of Mr. Greville called for the consideration of the House; and, with the view of bringing the matter under the notice of Parliament, he should move a Resolution, to the effect, "that the matters of complaint set forth in the petition of the infant Rajah, deserved the serious consideration of that House." He contended that the petition contained nothing at all relating to political questions, but referred solely to matters of private and pecuniary interest. But, assuming that the petition did relate to political matters, it would be found, on reference to the Act of Parliament, that it was competent for Her Majesty's Privy Council to entertain petitions which had relation to political matters. As he could not understand the course taken by the clerk of the Privy Council, or believe that the Marquess of Lansdowne was aware of the letter written by Mr. Greville, he would move to call attention to the alleged obstruction offered to the claims of the infant Rajah of Sattara, in the denial of a hearing before the Court of Privy Council, complained of in the petition to this House of the next friend of the said infant, presented on the 14th inst.; and to move a Resolution on the subject.

The Resolution not having been seconded, fell to the ground.

ECCLESIASTICAL TITLES ASSUMPTION BILL — ADJOURNED DEBATE (THIRD NIGHT).

Order read, for resuming Adjourned Debate on Amendment to Question [14th March]—Debate *resumed.*

MR. BLEWITT said, that since the noble Lord at the head of the Government had last come into office in 1846, he, approving generally of the noble Lord's policy, had taken very little share in the debates of that House, but felt bound to deliver his sentiments on this most impolitic measure. It was, he thought, the late Lord Sydenham who remarked that the present Prime Minister was the noblest-minded man he ever knew. If he (Mr. Blewitt) could not concur in that panegyric, it was not because he was no less sensible of the services the noble Lord had rendered to his country, nor that he was wanting in his appreciation of his statesman-like qualities, and great oratorical powers. He bore willing testimony to the amiable disposition and the integrity of the private character of the noble Lord; but by some extraordinary mental fatality, the liberalism for which the noble Lord had been so distinguished, had of late "fallen into the sere and yellow leaf," and he could not help viewing, with unaffected regret, his avowal of feelings, prejudices, and passions, in breach of that consistency which had been one of the proudest features in the noble Lord's political career. It seemed a matter of astonishment that the noble Lord, who had done so much to dispel the clouds of bigotry and intolerance in this country, and having succeeded, by various measures, in lulling sectarian feeling between Catholic and Protestant into a state of repose, unprecedented in our annals, should now appear in the sable garments of woe to rake up from the history of a thousand years the festering recollections of the follies and crimes of Papal fallibility in the darkest and most barbarous ages. One would think, from the mode in which the noble Lord had spoken of the grasping policy and unchangeable ambition of the Court of Rome, that he had only very recently studied history; but those defects were not more real or apparent now, than when the noble Lord used all his efforts to pass the Bill of 1829. In what dark corner of the noble Lord's mind lingered those horrors of Popery and Popish ceremonies only lately brought to light? If he were desirous to introduce into the Protestant Church the purity and simplicity of the Primitive Church, he would agree with him; but he could not concur with him in designating the religious ceremonies of any class of his fellow-countrymen as mummeries and superstitions, nor to subject the ministers of any faith to pains and degradation for maintaining the perfect spiritual organisation of their Church. He had perused, and certainly with no great degree of complacency, the bombastic and inflated documents of the Pope and Cardinal Wiseman; but they had certainly neither impaired his appetite, nor disturbed his digestion; neither did he believe that they intended either insult, injury, or oppression to this country. Such a thing, in his opinion, never entered into the head of either. But what was this so-called insult? The establishment of a hierarchy. But let it be remembered that the Catholic as well as the Protestant Church was episcopal, and that without bishops its spiritual organisation must be incomplete. [The hon. Gentleman then read an extract from a work recently published upon Sierra Leone, in which the want of bishops to govern the clergy was much lamented.] And if needful in Sierra Leone, where the population was thin and the clergy few, how much more must bishops be needed for the spiritual government of 10,000,000 of people? In that case, what was the duty of the Pope? He would read to the House the opinions of the right hon. Member for the University of Oxford on the subject, from his work, entitled *Church and State* :—

> "He would not scruple to say, that if a Mahometan conscientiously believed that his religion came from God, and taught divine truths, he must believe that truth to be beneficial beyond all things

to the soul of man, and he ought therefore to extend it by all proper and legitimate means. And if such a Mahometan be a prince, he ought to count among those means the application of the income and funds lawfully at his disposal for such purposes."

He asked any candid person to put himself in the position of the Pope, and look at the question impartially and fairly; let him believe that the religion comes from God, and teaches divine truth—let him be told, that in this country there had been many recent conversions to the Catholic religion—that many of the clergy were now reviving obsolete Popish practices in their churches, and borrowing from the Roman ritual—that courtesies had been heaped upon the heads of the Roman Catholic bishops in Ireland and in the Colonies—let him read from *Hansard* the various speeches made by the noble Lord at the head of the Government during the last five or six years, in favour of a Roman Catholic hierarchy—let all those things be considered, and could any man of honest common sense tell him that the Pope might not feel himself justified in appointing a Roman Catholic hierarchy without incurring an imputation that he meant the slightest injury or insult? But when he (Mr. Blewitt) spoke of bishops, he did not mean to say that the Pope would be justified in appointing such bishops as those right reverend fathers in God who sat in the other House of Parliament, who were Lords of Parliament in right of their bishoprics, and who were summoned by Her Majesty's writ; but he spoke of such persons as were bishops by virtue of the spiritual supremacy which the Roman Catholics conceded to them in this country for the purpose of superintending and overlooking the affairs of their Church, according to the proper meaning of the word *episcopus*. These bishops claimed no dignity, no seat in Parliament, no revenue from the State, and no reverence except that which their fellow-citizens might be inclined to bestow upon them. He felt, as a member of this country, as jealous of its independence, and as ready to vindicate its religious rights and prerogatives, as any man in that House; but he did not feel himself called upon in that instance to join in passing laws against an imaginary affront and problematical mischiefs. The hon. and learned Gentleman the Member for the city of Oxford had told them a great deal about canon law; as if that law, by any act of the Pope, could be made the law of this land. They should hear what Sir Matthew Hale said on this subject. He said—

> "All the strength that the penal or imperial laws have maintained in this kingdom is only because they have been received or admitted by the consent of Parliament, and so are a part of the statute law, or else by immemorial usage, and no otherwise. Their authority is not derived from themselves, and, therefore, they bind no more here than our laws bind in Rome or in Italy."

The hon. and learned Gentleman might, therefore, just as well quote the laws of the Chinese or Hindoos on this subject. He objected to the Bill in every form and shape; for he agreed with the hon. Member for Liverpool that its effect would be to create a festering sore, which could only be cured by the repeal of the Bill itself. It was, in fact, a mere nullity. It reminded him of the measure which was passed in 1748, to compel the Highlanders to wear breeches. [An Hon. MEMBER: The canny Scot knew how to avoid that law, for he carried his breeches suspended on a stick over his shoulder.] The Bill, he repeated, would be a mere nullity, and would, he calculated, do nothing but irritate and annoy. He should, therefore, give his vote in support of the Amendment.

SIR R. LOPEZ said, he should not have asked the indulgence of a few moments' hearing, but for the strong speech of Mr. Roundell Palmer against the bull, and against any legislation whatever on the all-engrossing subject under discussion; but, residing in the immediate neighbourhood of Plymouth, the town the learned Gentleman represented, and knowing, as he thought he did, the strong and almost unanimous feeling and opinion of that large and important town, he felt himself called upon to say he was quite certain that the sentiments which he had uttered were not in accordance with those of the bulk of any part of the constituency, or of what could be called even a fraction of the mass of the inhabitants at large. He thought it the more necessary to make this known, and he could appeal to the learned Gentleman himself for the truth of the assertion, that his opinions on this subject were at variance with those universally entertained by the inhabitants, as Plymouth was one of the places which the Pope of Rome had thought fit to distinguish as one of his newly-nominated bishoprics, without his ever, he was sure, having been at the trouble to ascertain whether he had the slightest *locus standi* in that town, or in the provinces he had attached to it, Devon, Cornwall, and Dorset, and which, he could tell his Holiness, was a compliment (if so intended) by no means welcome either to the town of Plymouth, or to the diocese to be appended to it. The fallacy which ran through the whole argument of Mr. Palmer, and all those who had taken the same ground as himself, was this—he (Mr. Palmer) considered the assumption of authority and supremacy of a foreign Power, and the establishment of a regular ecclesiastical hierarchy under that foreign authority, was to be looked upon in the same light as other religious establishments within our own borders dissenting from the Established Church, self-constituted and self-supported, and owning no headship at all, much less that of a foreign instructor and old rival, and one asserting supreme spiritual dominion. If the Romanists will disconnect themselves with this foreign Power—Rome—and constitute themselves, like other religious societies in their native country, free and independent, there is an end to the contest, and no legislation is necessary. What we say, is—"No foreign prince, potentate, or power hath, or ought to have, any jurisdiction or authority, ecclesiastical or spiritual, within these realms;" and it is against this our legislation is to provide; but the fallacies and false philosophy of Mr. Palmer, and of all those who have taken the same view as himself, were so promptly disposed of by the admirable reply of Mr. P. Wood, and, to use a commercial metaphor, in receipt and discharge in full of all demands given at sight, that he (Sir R. Lopes), by a repetition of the same arguments, would only weaken them; and, as to the other theme of the learned Gentleman's speech—civil and religious liberty—taking the very mention of that in connexion with Rome, was perfectly absurd. Sir R. Lopes went on to say, that, having risen for this single object, he would be glad to be allowed the opportunity, as one of the representatives of a county, second but to one in magnitude, and equal to any in consequence in the kingdom—a county which had felt the deepest interest on this important matter, and which had strongly expressed those feelings in addresses to the Throne—from its ancient metropolitan city, from every large and populous town, amongst them Plymouth, as also from its constituency, and people in general, county meetings assembled, to say, that, so far from agreeing with the learned Member for Plymouth that no legislation was necessary, he would tell the House that a universal feeling of regret and disappointment pervaded that large county, occasioned by the inefficiency and inadequacy of the remedies proposed in the short and limited Bill now before the House. The first promulgation of the sentiments of Lord J. Russell, when this unexpected and sudden shock, for so he would call it, was inflicted by the Church of Rome, had given the greatest satisfaction; its direct, manly and straightforward avowal had been responded to throughout the kingdom, and every hope was entertained that if the laws now in existence were not sufficient to meet the case and repel the injury, new laws should be had recourse to, to remedy the evil. The speech of the noble Lord, on the introduction of this measure, breathed the same manly, vigorous, high and constitutional spirit; and every man, he was sure, however he might differ with him in his general policy, gave the noble Lord credit for entire sincerity, and for a wish to deal with this case as it ought to be dealt with, and he had full and uncontrolled power; but the question which this House and the country at large will have to put to itself will be, whether they will be satisfied with so meagre, inadequate, and imperfect a remedy, or whether they will not require something more to meet the present case, and to obviate the repetition of so bold and insulting a proceeding on the part of the Church of Rome. History will have been read in vain, if we have not learnt that no assumptions, no encroachments, no arrogant pretensions must be allowed. "Give an inch and take an ell," has been too much verified in this late proceeding, and the nearest motto to act upon will be, *principiis obsta*. The people of this kingdom, as has been said, are not the aggressors in this conflict, for that is the right character of it. The very language of the Papal instrument tells us plainly how unaltered, how persevering, how arbitrary are the principles and pretensions of the Church of Rome, and that she will not allow any country in which she has once had a footing, to be at peace, which will not bow down to her supremacy in matters spiritual, and, as a consequence, to her direct or indirect influence in matters temporal. The noble Lord also, in his first opening speech, seemed to be conscious that such feeling of disappointment would be great, as he appeared, as it struck him (Sir Ralph Lopes), to say almost in the tone of apology, that the Government deemed it best at present to limit their remedies to the late actual aggression, and that any future encroachments would be met by further resources and legislation, almost as he (Sir Ralph Lopes) thought, admitting that in the course of events such necessity would arise. Surely if such a contingency and sequel might be apprehended and anticipated, it would have been wiser at once to enact a fuller and more effective measure of restraint; but instead of this precaution and policy—instead of acting on the principle that prevention is better than cure—why, as if in terror of their own first deliberate and long-matured proposal, they have actually recoiled from the proceeding they first intended to propose, and pared down to nothing, or next to nothing, measures which would not, in their entirety as at first proposed, have met the expectations, or have been considered adequate and sufficient by the smallest portion of the community. He (Sir Ralph Lopes) was glad of an opportunity to discharge a duty to a large constituency and populous county, in stating that from one end of it to the other one general feeling of regret and disappointment prevailed at the inadequacy of the remedies of the Government, to meet the demands of a dangerous and unprovoked attack, which, as he conceived, required not only present repression, but security for the future; and to express on the behalf of that constituency a sincere hope that ere this Bill passes from this House, it will be rendered more applicable, effective, and potent to nullify the present aggression, and to obviate any further encroachment by the Church of Rome, and the laws and constitution of the country. Any one of his hon. Colleagues would have expressed with more effect the deep-seated and strongly-entertained sentiments of their mutual constituents, and he considered it due to them that the almost unanimous feeling of so important a county should be echoed in that House. He should vote for the second reading of the Bill, with the hope that many salutary additions to it would be introduced in Committee.

Mr. WALTER said, that if the hon. Member for South Devon felt that his being the representative of a county of which one of the principal towns had been appropriated by the Pope for a new episcopal see, furnished him with an additional claim upon the attention of the House, he (Mr. Walter) thought he might plead the same excuse for venturing to ask their attention, as the representative of no unimportant constituency—as the Member for a borough against which a decree had issued from Rome, that from henceforth it should be transformed into a Popish see. It was that circumstance which encouraged him to trespass upon the attention of the House, for the purpose of protesting against what he deemed an act of unwarrantable aggression and usurpation. He called this an act of aggression, because he contended that the Pope had violated the provisions of that very Act of Parliament from which Roman Catholics derived their titles to seats in that House; and he called it an act of usurpation, because he maintained that, under no circumstances whatever, whether by the law of nations or by any inherent right in the Papal episcopacy itself, would the Pope be justified in annexing territorial titles to any episcopal offices he might be disposed to establish. He might be allowed to observe, with respect to the clause in the Act of 1829, to which he had referred, that he had heard that clause misquoted at least a dozen times during the course of the debate. Now, he had the clause in question before him, and, with the permission of the House, he would read it. It ran as follows:—

> "And whereas the Protestant Episcopal Church of England and Ireland, and the doctrine, discipline, and government thereof, and likewise the Protestant Presbyterian Church of Scotland, and the doctrine, discipline, and government thereof, are by the respective Acts of Union of England and Scotland, and of Great Britain and Ireland, established permanently and inviolably; and whereas the right and title of archbishops to their respective provinces, of bishops to their sees, and of deans to their deaneries, as well in England as in Ireland have been settled and established by law; be it therefore enacted, that if any person, after the commencement of this Act, other than the person thereunto authorised by law, shall assume or use the name, style, or title of archbishop of any province, bishop of any bishopric, or dean of any deanery, in England or Ireland, he shall for every such offence forfeit and pay the sum of 100*l.*"

He had heard it not only contended by Roman Catholic Members, but admitted, as it were, by Protestant Members of that House, that this clause referred only to existing sees. He had very carefully read the Act of 1829, and the whole of the debates relating to it, and he did not find the term "existing sees" used in any part of those discussions. He did not feel himself bound to go to a lawyer for an interpretation of the meaning of any Act of Parliament; and, although he was perfectly aware that, according to a well-known maxim of law, penal statutes should be construed strictly, yet when he found the whole context of the clause, and all the discussions relating thereto, evidently implying that the clause had a general application, and was not restricted to particular sees, he thought he was at perfect liberty to put that plain construction upon the clause which the grammatical sense of the words appeared to him to demand. He therefore considered, as he said before, that the clause in the Act of 1829, which provided that no Roman Catholic ecclesiastic should assume the title of any province, bishopric, or deanery within the United Kingdom of England and Ireland, was evidently intended to bear a general acceptation, and was not limited to existing sees merely, but extended to all sees which could be possibly created. Could any hon. Member suppose, for instance, that the see of Manchester, which had been created subsequently to the passing of that Act, could by any possibility have been intended to be exempted from its operation? For his own part, he thought no one would contend for a proposition so utterly absurd. The right hon. Member for Ripon (Sir J. Graham), in a speech which he made the other evening, referred to the part he had taken in bringing forward the Charitable Bequests Act. The right hon. Baronet said—

> "I was the organ of Sir R. Peel's Government in moving the Bequests Act, an Act which recognised the authority of the Roman Catholic bishops and clergy of Ireland. It speaks of the Roman Catholic archbishop or bishop 'officiating in any district,' and Roman Catholic clergymen 'having pastoral superintendence of any congregation.' What is the meaning of 'officiating in any district' but having a diocese? What is the meaning of 'having pastoral superintendence of a congregation' but being a parish priest?"

With all deference to the right hon. Baronet, he (Mr. Walter) thought the speech he made on that occasion itself furnished an explanation; that, in fact, the right hon. Baronet had himself supplied them with the distinction between the cases he had mentioned of a diocese and a district. He (Mr. Walter) found, on referring to *Hansard*, that on the very occasion to which the right hon. Baronet referred in his speech, he, (Sir J. Graham) said—

> "He had demurred, and he still demurred, to the right of the archbishops and bishops of the Church of Rome claiming titles as affixed to certain localities and districts in Ireland; but, hoping to conciliate the feelings of those who were deeply interested in this measure, and having no other desire than, as far as was consistent with the maintenance of sound principles, to tender that which might be acceptable to their Roman Catholic fellow-subjects, the Government were anxious to make such tender in the form and in the terms which might be most satisfactory."—[3 *Hansard*, lxxvi., 1659.]

And then the right hon. Baronet framed the clause to which he referred. The speech of the hon. and learned Member for Plymouth (Mr. Roundell Palmer) had been already alluded to in the course of the debate, and he (Mr. Walter) might be excused for referring to it; for he must do his hon. and learned Friend the justice of saying that a more able and exhaustive speech on that side of the question, it was impossible to imagine. There were, however, several points in the speech of his hon. and learned Friend, which he thought would bear some comment. The hon. and learned Gentleman, appealing to antiquity, asked the House whether they supposed that the Bishops of Antioch and Smyrna, Ignatius and Polycarp, invaded any civil prerogatives of the State in being called respectively bishops of those places? He (Mr. Walter) thought that was a question which might be answered by another. He would like to know what sort of notion the hon. and learned Gentleman supposed that the Roman Emperors of the first ages affixed to the idea of a bishop? Did the hon. Gentleman suppose that, even setting aside the question of persecution, those Emperors would have conceded to the bishops in the early ages of the Church the titles of "your grace," or "my lord?" He (Mr. Walter) imagined that the only notion a Roman emperor would form of a bishop in the early ages of the Church would be that of a poor, miserable, forlorn being, the leader, perhaps, of a despised sect, whose very office conferred upon him no other distinction than that of priority in persecution, and a more imminent hazard of death. In those early ages it was impossible that the title of bishop of any town could give offence to the civil power, because the title of bishop contained in it no political significance. But what happened when, at a later period, after the conversion of the Roman empire to Christianity, the title of bishop did convey political significance? The State then found itself imperatively called upon to exercise a very considerable and growing control over the appointment of bishops. Nay, as far as he understood history, it appeared to him that immediately after the recognition of Christianity by the State, the influence of the laity made itself felt, and operated through the State upon the

Church; and that from that time to the present the laity, embodied and represented by the civil power, always exercised a concurrent voice with the Church in the appointment of their bishops. Nay, more; they exercised a very considerable control over what might be considered the spiritual functions of the Church; and if Parliament allowed the measure the Pope had introduced into this country to take effect, the dominions of Her Majesty the Queen would, he believed, be the only dominions in the world in which the Church would be allowed the full development of its ecclesiastical functions without the interference or control of the laity at all. His quarrel with the Pope and Cardinal Wiseman was this—that the one in the rescript he had issued from Rome, and the other in the manifesto he had ordered to be read in all chapels and churches within his presumed province, had claimed to exercise control, not over the consciences of their spiritual subjects, but over the temporal dominions of the Queen. It was no answer to his objection to say that this was merely the form of the Roman Catholic Church. It was precisely because it was the form of the Roman Catholic Church, and because he considered that form conveyed the grossest and most intolerable expression of spiritual domination and arrogance, that he objected to it. They must remember that forms were but the shadows of realities, and although this country might not be, as he believed it was not, in danger of receiving any serious detriment at the hands of Rome, yet they were equally bound to protest as strongly as ever against the pretensions of a Church which lacked certainly not the will, but only the power, to enforce those pretensions. With regard to the statement of his hon. and learned Friend, that, having once conceded the principle of toleration, and admitted their Roman Catholic fellow-subjects to the enjoyment of their spiritual rights, they were bound to recognise the full development of their ecclesiastical system, he was on that point entirely at variance with the hon. and learned Gentleman. That they should not only concede to the subjects of the most intolerant Church in the world—a Church that had always been the foe of religious liberty—every civil privilege, and the exercise of all their spiritual rights, but that they should permit them to constitute themselves the judges of that most delicate boundary question—the boundary between spiritual and civil duties and obligations, appeared to him the most suicidal act any country could commit. It was impossible that this or any other country could so abdicate its functions, and so paralyse the very conditions of its existence. Let them consider what would be the consequence if these pretensions were assumed and exercised. If they allowed to a Church the sole right of deciding what were the limits of spiritual jurisdiction—the right to decide whether or no the assumption of territorial titles was of the essence of episcopacy—much more must they allow it the right of deciding in cases involving questions of a mixed spiritual and temporal character. What had been the case in the kingdom of Sardinia? They had seen a Minister of the State deprived of religious privileges and consolations simply for the conscientious exercise of his public duties. If a similar case occurred in Ireland, what would the hon. and learned Member for Plymouth say? Would he be prepared to admit that such a case came within his definition of religious toleration? Would he say that the State had no right to interfere to protect his Roman Catholic fellow-subjects from such an act of spiritual tyranny? He (Mr. Walter) must confess that he entertained a very different opinion, for he considered that the State owed to its subjects of all religions a protection against the abuse of the spiritual authority of their pastors. But the hon. and learned Member for Sheffield (Mr. Roebuck) might say, as he had said, "Oh, but after all, it is only the submission of one man's mind to another, and if people are such fools as to submit their consciences to priests, what business have they to come to the State for protection?" He (Mr. Walter) could not help thinking that that was neither a very humane nor a very just view of the question. He thought that a State had no right to reduce its subjects to the terrible alternative of renouncing their faith, or being deprived of the consolations of religion, merely for the conscientious discharge of their temporal duties. He believed—and, in fact, history bore him out in the assertion—that in almost all Continental countries the State had exercised a control even over what might appear to be the spiritual province of the Roman Catholic Church. On referring to the "blue book" containing the evidence collected in 1816, he found that in Austria no sentence of excommunication could be pronounced or carried into effect until the State had satisfied itself that the matter for which the person was excommunicated was really of a spiritual character. If, then, such were the law of Roman Catholic countries, he wished to know upon what ground they ought to deny to the State of this country the right to exercise that sort of control over the spiritual affairs of the Roman Catholic Church? With regard to the much debated question of the spiritual and ecclesiastical elements of episcopacy, he wished the House would allow him to read a passage from Dr. Twiss's very able book, which he thought set the question in the clearest possible light. Dr. Twiss said—

> "It is contended by Roman Catholic writers that the erection of the new sees is a spiritual act on the part of his Holiness, and that the Roman Catholic subjects of Her Majesty who maintain the right of the Pope to erect such sees, maintain only the spiritual supremacy of the Holy See, and are within the law. But it may be observed, in the first place, that neither the erection of a see nor the appointment of a bishop is a spiritual act. The consecration of a bishop, by the laying on of hands, is the spiritual act; the appointment is a temporal act, even if it should happen to be the act of an ecclesiastic. For instance, if the appointment were a spiritual act, in the sense in which the consecration is a spiritual act, it could not be performed by laymen; yet bishops in communion with the Holy See have, from time to time, been appointed freely by the Church at large—*i.e.*, have been elected by the laity and clergy. Such, it may be said, was the rule of the Church until the twelfth century; and even now the temporal power in many Roman Catholic States, in accordance with a direct or implied concordat, nominates the bishops of the land, and the Pope accepts such nomination, and by his confirmation of it recognises its valid origin. If, on the other hand, the appointment is called spiritual in another sense from that in which the consecration is so termed, it is a loose and improper sense, and only leads to a confusion of thought. The appointment of a bishop should rather be termed 'an ecclesiastical act of a temporal nature;' the consecration being, on the contrary, 'an ecclesiastical act of a spiritual nature.' The appointment does not give the spiritual office, but merely designates the person for the spiritual office, which is conveyed to him at consecration . . . . . . Again, if the erection of an episcopal see were held by the law of England to be a purely spiritual act, then there might be some plausibility in the Pope turning against the law of the land the weapon which it may have itself furnished to him; but by the law of England no episcopal see can be erected by the Crown within Her Majesty's realm of England except with the consent of the Legislature, in which it is true the bishops of the Established Church form part, but do not thereby impart to its acts a spiritual character. There is, accordingly, no argument furnished by the law of the land to distinguish the realm of the Protestant Queen of England from that of a prince in communion with the See of Rome, in a sense more favourable to the pretensions of the See of Rome. It may consequently happen, that the temporal, and not the spiritual supremacy of the Crown of England, is impugned by those who would carry into execution the will of the Pope in erecting bishops' sees throughout the length and breadth of England, *mero moto suo*. It is, further, with respect to that temporal supremacy, that legal difficulties may arise for Her Majesty's loyal and faithful Roman Catholic subjects, from which they have been exempt under the previous condition of the English mission. For if it should be a correct view of the law, that the Pope, as a foreign prelate or potentate, in erecting his new sees, has invaded the sovereignty of the Crown of England, such subjects of Her Majesty as seek to put the writ of the Pope into use and execution will thereby risk to maintain his temporal superiority and pre-eminence; and thus the Roman Catholic Peers and Members of the House of Commons, who have taken the oath embodied in the Relief Act, whereby they deny that the Pope of Rome, or any other foreign prince, prelate, person, state, or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm, may find themselves ensnared."

In conclusion, he (Mr. Walter) would only observe, that whatever might be said of the letter of the noble Lord at the head of the Government, he, for one, could never regret the step the noble Lord took in permitting its publication, still less could he regret the agitation this question had occasioned; for, whatever other effects that agitation might have produced, he thought it would at all events have the effect of opening the eyes of Roman Catholics, as they never appeared to have been opened hitherto, to a great fact—the deep-rooted Protestantism of the British empire. It might be perfectly true that the Pope had been so credulous as to believe the representations that had been made to him that this country was on the eve of a great Roman Catholic movement. He (Mr. Walter) was inclined to believe, from his own observation, that even among Roman Catholics possessing extensive information and great knowledge of the world, there had prevailed of late years a very mistaken idea as to the state of religious feeling in this country. Observations had been made to him by Roman Catholic friends of his which showed him that they had mistaken the apostacy of a few bewildered clergymen, and a few weak-minded laymen and laywomen, for a deliberate intention on the part of the Protestant body of England to abandon the strong position which they had hitherto maintained with regard to the pretensions of the See of Rome. He remembered, that at the time of the secession from the Established Church of a very well-known, most learned, able, and excellent individual, Dr. Newman, a Roman

Catholic friend of his said to him, " All your cleverest men are joining us; you will all come over before long." He thought the agitation which had prevailed in this country would at all events open the eyes of their Roman Catholic friends to the great mistake they had committed in this respect. He thought it would teach the Pope to be more careful for the future in trusting to the misrepresentations of those who had misled him. But he believed it would do more. It would teach Roman Catholics to be very cautious how they attempted to put in practice what had been suggested to them by members of their own body—a regularly organised system of proselytism in this country. No one could more deeply deplore the evils of religious conflicts than himself; no one could be more anxious to avert a calamity which he regarded as the greatest that could befall this country. But it was precisely because he believed it to be such a calamity, that he wished to nip in the bud the very first attempt made to carry this system into effect, lest it should hereafter—if permitted to develop itself — set the whole kingdom in agitation. He would not shrink from avowing in that House the sentiments he had declared at public meetings elsewhere—that if the people of this country were once possessed with the idea that there existed any danger—a danger which he believed might exist if measures were not taken to prevent it—of Roman Catholic unmarried priests being set up in their parishes side by side with the Protestant clergy; that there existed a danger of the death-beds, even of misers, being besieged, and their dying bequests intercepted by the emissaries of Rome; that there existed a danger of the confessional being introduced as a general rule into this country, and of the daughters of our Protestant fellow-subjects being seduced into convents; if the people of England felt that the law could afford them no protection in such a case, he was very much mistaken in his estimate of their character if they would not be disposed to take the law into their own hands. As regarded Ireland, he could only say that, although it was not his intention to oppose the extension of this measure to Ireland, he should have been equally content to have left Ireland out of the question. That unhappy country had enjoyed for so many years a prescriptive right to every species of abuse and misrule, that he should be sorry to deprive it in this instance of a privilege it had so long possessed. Nay, he might borrow an argument from the hon. Baronet the Member for Waterford (Sir H. W. Barron), who had said that if this Bill were passed, every man in Ireland who could scrape 10*l.* together would leave it; and he (Mr. Walter) was not sure that that would not be an important reason with him for supporting the measure. But, as regarded this country, he could only say, that so long as our Protestant constitution in Church and State should endure, he would set his face, and use every effort in his power, to resist every encroachment of the See of Rome. Although he thought that the noble Lord (Lord J. Russell), after that memorable letter which created so great an excitemennt in this country, might have produced a measure more worthy of the expectations which that letter had roused, he should support the second reading of this Bill, in the hope that during its progress through Committee, some means might be devised of rendering it more worthy of the occasion which had called it forth.

Mr. C. ANSTEY said, that, notwithstanding the high importance which the hon. Member who had just spoken of this quarrel with the Pope, appeared to attach to his own position in the debate, he should not have felt it necessary to notice the offensive remark of the hon. Member, had it not been for the very general cheers and laughter with which the remark had been received on the other side of the House—that his chief reason for supporting the Bill was, that it might induce every man of property to leave Ireland to its fate. That such an insinuation should have been received with applause, and without protest, could not but have a very prejudicial effect upon the dispositions of the Irish people, already too much exasperated by the course which had been taken, and too willing to believe the worst of the intentions and motives of the Legislature and the Government. He would protest against these sentiments, and he did not believe they were shared by Her Majesty's Ministers; if he did, he should be prepared to extend the opposition with which he met the present Bill to any measure whatsoever which might emanate from the Cabinet for the chastisement of the Papal aggression. It was, indeed, the great misfortune of this Bill, that, small and contemptible as it was in itself, it served as an opportunity and a pretext for intolerant effusions against "Popery" and "the Romish superstitions tion," and the revival of bygone polemics, and the repetition of speeches of another generation, and of which those who had uttered them, having survived their old intolerance, were now utterly ashamed. Some Gentlemen, on the other hand, though detesting religious controversy, and not anxious to bring railing accusations against those who differed from them in religion, were not philosophical enough to resist the temptation to retort. For there were the means of doing so. If we had our "Father Eustace," we had also our "Vicar of Wrexhill." Gentlemen, whether of "High Church," or "Low Church," sought to lead on the populace in chase of the common game—the Church of Rome and its members, in the hope that this species of carrion might lead the hounds off the right scent; but hon. Members might overreach themselves in that matter. The hon. Members for Oxford city and for Cambridge University would very much deceive themselves if they thought thus to divert attention from the abuses charged upon their own Church. The people of this country were more intent upon the performance of the promise implied in the latter portion of the noble Lord's celebrated letter to the Bishop of Durham—much more anxious to have the attention of the House directed to the Church of which they were members, than to that Church to which they did not belong. The hon. and learned Member for the city of Oxford had shown pretty clearly, in his former speech upon this question, by what views he was animated to legislate against the Roman Catholic Church; it was not that he abhorred ecclesiastical domination, but that he loved it too well to see it vested in the hands of a Roman Catholic priest or prelate. The power which the Pope exercised by bull, that hon. and learned Member wished to take from him, and was contented to vest it in the hands of Her Majesty; so that the Queen, by letters patent, might make and unmake in any part of her dominions, not being within this realm, any Church she pleased. The hon. and learned Member had argued that, in every instance in which the Pope by brief had attempted to legislate for the ecclesiastical affairs of the Church of Rome in any portion of the Queen's dominions, he had violated the Royal prerogative, and those who obeyed him were guilty of a contempt of that prerogative. He (Mr. Anstey) begged most emphatically to deny that position. Every lawyer knew—and the hon. and learned Gentleman ought to be one—that the Queen's ecclesiastical law was strictly local—that the Church of England was the Church of the realm, and did not extend to the other dominions of Her Majesty—and that the Roman Catholic Church, and every Dissenting Church, every form of Christianity—nay, every form of religious belief which was not opposed to the great law of God and nature—were as legal, and enjoyed as sound and legitimate a *status* in Her Majesty's colonies and foreign dominions as did the Church of England itself, and that the Pope's bulls and the letters patent of the Crown relating to such affairs rested upon precisely the same foundation, binding those only whose conscience constrained them to be bound by them, and not extending to those whose consciences allowed them to be disobedient. He could tell the hon. and learned Member, that if there were—which need not be denied—Roman Catholics who, on their own peculiar grounds, protested against this "aggression," as it was rightly called, of the See of Rome, it was not because they were minded to accept in lieu of it the ecclesiastical tyranny which he would impose. They were not disposed, it was true, to suffer the Papal innovation; but they were just as little minded to stand still and be devoured by the Church of England. The hon. and learned Gentleman's statements, in short, were all directed to quite another matter than the Bill before the House. That Bill contained but one clause; and it was directed against the mere assumption of ecclesiastical titles; and another clause had been promised by the Home Secretary for the purpose of exempting those Dissenters from the Established Church of Scotland who professed the episcopal form of church government and worship. When that clause should be proposed, he (Mr. Anstey) should move an Amendment to make it include also the Scotch Roman Catholics, who were quite as much entitled to exemption. If the fear of the excitement of jealousies was to be regarded, how might the Presbyterians be expected to regard the assumption of titles by Protestant Episcopalians in Scotland—the religious community which had been guilty of the great cruelties suffered by the Scottish Calvinists in the 17th century! But, indeed, if there was to be exemption, the strongest case could be made for exempting the Roman Catholics of Ireland. No cause had been afforded by them for this species of legislation. The case of the dioceses of Cloyne and Ross, and of Galway, in Ireland, had been introduced into the discussion. Now, with regard to Galway, down to 1829 or 1830, certain families in Galway, called the "Galway tribes," had the right to elect their own bishop, under the name of a warden; and this old privilege, which was regulated by bulls, had been exercised with general satisfaction to clerks and laymen, too, down to the recent change. But amongst the tribes dissensions about that time arose, and after several vain attempts at appeasing them, it became the wish of the tribes themselves, in whom the privilege was vested, to get rid of it. For this purpose the matter had to be laid before the Irish bishops, who concurred with the laity, and the subject was referred to the Pope, by whose consent the consecration of a bishop to succeed the warden could alone be obtained. Therefore, let it be remembered that the Pope did not take the initiative, but only confirmed the arrangement already effected, so far as the diocese of Galway was concerned. The matter was settled by a committee of the Irish bishops, and all that the Pope did was to agree to an arrangement between the clergy and the laity, and allow it to be carried out. That was what the hon. Baronet the Member for South Devonshire would not object to, it seemed, his objection being that what had been done in England by the Pope, had been done in the first instance. He himself (Mr. Anstey) very much disapproved of the course taken in this matter. He considered that it was exceedingly wrong for the Pope to take the initiative and adopt and carry into effect such a scheme of church government as this without the clergy or laity being consulted. In that view he considered it an aggression — an aggression upon the vested rights of Her Majesty's subjects, and ultimately upon that prerogative of justice vested in Her Majesty, by which alone those rights were protected and enforced. But the hon. Baronet supported a Bill which would make penal in Ireland that which he would be contented to see done in England. With respect to the other example cited—that of the appointment of the new bishop of Ross, the fact was that the diocese of Cloyne and Ross had been found inconveniently large for a single bishop to superintend; and the clergy of that see, with the consent of the bishop, had merely framed a scheme for dividing the diocese into two dioceses, and restoring the old separation of the diocese of Cloyne from the diocese of Ross. The diocese, therefore, was now converted once more into the two former dioceses, that of Cloyne and that of Ross. The parish priest of Midleton was appointed bishop of half the see, the late bishop of Cloyne and Ross continuing to superintend the other half. That was done by the Irish bishops and clergy themselves, the Pope's bull only giving effect to their wishes. Such were the cases untruly alleged by the partisans of this Bill to be analogous to what had occurred in England, and urged as a pretext for the monstrous attempt to include Ireland in the Bill. The measure was also justified on the ground that the Pope by his brief had repealed all the laws which governed the Church in England, and all the trusts which guarded the charities and endowments of the Roman Catholics. On this subject, however, the Bill was quite silent. It was justified, also, on the ground that the delegates of the Holy See had been empowered to give synodal action to their hierarchy, and make a new canon law for the government of Roman Catholics, and of Protestants too. But the Bill contained not a word applicable to either of these points. What had been stated in defence of the only real object of the Bill—the prohibition of titles? Nothing at all. But, if titles were a legitimate subject for their legislation, the Bill ought surely to have been directed against the imposition of titles by authority of a foreign Power, instead of the assumption of titles by the free will of British subjects at home. He repeated that, if there was to be legislation on the subject, it was contemptible and absurd that it should be directed against the mere assumption of titles. The Bill, again, ought to have been confined to the country with respect to which the aggression had taken place; and the argument for its extension to Ireland might be resolved into the absurd proposition, that because persons had assumed titles in England, conferred by a foreign Power, therefore persons in Ireland who had not assumed titles conferred by a foreign Power were to be brought within its operation. Ministers would do well to drop the present Bill, to abandon legislation on the subject of titles, and to deal practically with the aggression. When their Charitable Trusts Bill came before the House, that would be the time to introduce prohibitions and regulations by which alone the prerogative of the Crown and the rights of Roman Catholics, as well as of Protestants, whose rights would be affected by the Papal bull, might be asserted. He hoped an attempt would then be made to prevent any person, whether within this country or without, from depriving English Catholics of such protection for their religious and charitable establishments as they enjoyed till the 29th of September last; and that some measure would be taken indirectly, if not directly, against the enactment of the *jus canonicum* to which the hon. and learned Member for the city of Oxford had referred, in place of the ancient and free canon law of English Catholics. The hon. and learned Member, however, supposed, that because there was only one canon law for the Church of England, so there was only one for the Roman Catholic Church. He seemed ignorant that there might be many branches of that law; that the canon law of the Church of Rome depended not on the theology of the Church, but on the nationality of its members; that whether it was the French canon law, or the English, or the Spanish canon law, it was always the result of an attempt, more or less successful, to reconcile the jarring interests of the national Church and the State. It varied with the nationality of the members of the Roman Catholic Church, and, above all, with the laws temporal under which they lived. If the canon law of Sardinia, for example, found itself in a state of conflict with the actual temporal law of that State, it was only because of the concordat which had prevented the ecclesiastical authority from making such alterations in its canon law, from time to time, as should adjust it to the variations of the temporal law of the State. When the canon law of England was first compiled, it was in entire accordance with the common law of England; but there would be immense difficulty in reconciling the new canon law proposed by Cardinal Wiseman with the law of England and the practice of our courts. For the canon law which his Eminence wished to introduce under the delegation conferred by the Pope, was not that of England, France, or any other Roman Catholic country in which the distinction between spiritual and temporal obtained, but the canon law of the States of the Church—a canon law which knew no distinction between spiritual and temporal, which was unsuited to the genius of a free people, and which must undergo considerable changes to adapt it to this country. The hon. and learned Member for the city of Oxford was therefore in error when he spoke of the canon law as of some solid thing, one and the same for France, Spain, and all other countries; for it was not so. The House, he trusted, would appreciate the reasons why he (Mr. Anstey) and other Roman Catholics looked with considerable disfavour on the Papal bull. He had very little sympathy with the speeches on either side. For instance, he could not understand why the colonies had been imported into this debate by Roman Catholic and Protestant disputants. He must revert to the distinction he had already drawn between the position of the Established Church in the realm of England and in the dominions of England—a distinction which he held to be countenanced by the authority of Blackstone and Storey. These jurists had described the laws relating to the maintenance of the established clergy, the jurisdiction of spiritual courts, the laws respecting Popish recusancy, to be totally inapplicable to the transmarine dominions or colonies of the parent State. On this subject he would refer also to a return ordered last year, on his Motion, for the purpose of showing what, on the other hand, was the position of the Roman Catholic clergy in the transmarine possessions of the Crown. It appeared, from that paper, that there was scarcely a possession of the Crown in which arrangements did not exist, whereby the Roman Catholic Church, with or without the concurrence of its head, was expressly recognised and established. A Roman Catholic Bishop of Halifax, for instance, was appointed under a legislative enactment which, having been applied for by the Church which he governed, had the effect, though not the form, of a concordat; and in Van Diemen's Land, on the other hand, a measure had been adopted, without consulting the Church at all, by which every priest receiving endowments was placed by the Protestant Legislature of the colony, under the ancient provisions of the Roman Catholic canon law of England, which screened him from the tyranny of his bishop; and the Church of Rome, immediately after the Act passed, had accepted the endowments, and therewithal the Act. Another illustration might be drawn from the history of the Jesuits in Canada. The Pope having been induced to dissolve the Society of Jesuits, the King of Great Britain, who, by the treaty of 1763, inherited the rights and duties which had formerly pertained to the King of France under the concordat with Rome, gave effect to that decree by confiscating the lands belonging to the Jesuits in Canada, and thereby recognised in the strongest manner the concordat which existed between the Pope and the King of France previous to the cession of treaty of that colony, and the right of the Pope to deal with his spiritual subjects, being likewise the temporal subjects of the British Sovereign. These instances might suffice to show, that to the present debate the case of the Roman Church in the colonies was altogether irrelevant and inapplicable. In conclusion, he must characterise the Bill as intolerable, absurd, and unjust, because not dealing with a real grievance. If the reasons against applying it to England were strong, those against applying it to Ireland were doubly strong; and, for the reasons he had stated now and upon a former occasion, he should give his decided vote against the second reading.

LORD ASHLEY: Sir, notwithstanding all that has been said, I revert to the first question — shall the Parliament of England, or shall it not, arise to the succour of the Crown, to maintain the rights of the people, and to assert—I use the expression advisedly—the civil and religious liberties of half mankind? Our opponents tell us of the intricate difficulties of legislation. That we always knew. We were denounced as illiberal—we foresaw the misrepresentation. Many advised a surrender. We had anticipated the demand for such a concession. But there was one thing we did not foresee. We did not anticipate that a British Peer would denounce our defence of the British Crown as equivalent to persecution or even torture; and we did not foresee that British senators would assume the rights of conscience and the necessity of spiritual development among the followers of the Church of Rome, as a lawful ground for the assumption of territorial titles, with all their paraphernalia of political Peerages, in defiance of the Queen and Her Government, and in opposition to the customs, the opinions, and the feelings of the people of Great Britain. Now I will reiterate my first question, "Shall we or shall we not come to the succour of the Queen of these realms?" Even many of our opponents admit that the language and demeanour of the Roman Pontiff has been arrogant, offensive, and intolerable: shall it then be endured? Will they, while using these indignant epithets, sit down and do nothing, and suffer, as it were, the seeds of that very conduct to sprout up and fructify in our very sight? I would readily concede thus much, that if it can be shown that the recent movement of the Pope is in strict conformity with the Act of 1829, we ought at once to submit, and that on the principle of Holy Writ, "He that sweareth to his neighbour may not disappoint him, though it be to his own hindrance." I would not withdraw from any such promise to the extent of a hair's breadth: but nevertheless I think I may say to those who are presuming upon our concessions, that privileges have their duties as well as their rights; and, of all those duties, there is no one more sacred or binding than that contained in the rule quoted the other night by the hon. and learned Member for Oxford—

> "Sic utere tuo ut alienum non lædas."

One party in this House denies not only the necessity but the propriety of any legislation on this question; and of that party the most conspicuous and able is the hon. and learned Member for Plymouth, who in a powerful speech has maintained that argument. The whole of his reasoning was directed to establish this proposition—that everything that has been done by the Pope, nay, that everything that could be done by him, is irresistible and unanswerable, because founded on the demands of liberty of conscience, and necessary to spiritual development. If this proposition be admitted, it takes from us all power and control whatever, nay more, it imposes on us the duty of absolute and entire submission. In using the term "liberty of conscience," the hon. and learned Gentleman, without any inquiry, without examination into the whole bearing and purport of the term, takes the words as enunciated by the Roman Catholics; the Roman Catholic interpretation and definition of the term was used; and then whatever is demanded as founded on this liberty of conscience, he concedes, and forgetting that there are other equivalent and certainly pre-existing interests, he ignores at once the prerogatives of the Crown and the rights and liberties of the whole mass of his Protestant fellow-subjects. It is perfectly clear that when the concessions of 1829 were made, they must have been made with reservations. Those who made the concessions, while they granted relief, were not themselves to be placed in a condition of subordination; and when they gave to Roman Catholics the power of expansion, it was not understood that, in return, they were themselves to be driven into a corner. The concessions then made we are prepared upon the same grounds to maintain; and upon these grounds, too, we resist the present aggression by the Papal power. There is another party in the House who say they wish for legislation; but so dissatisfied are they with the present form of the Bill, that they would rather have no legislation at all than accept the measure in its present altered and abridged condition. Now, will the House allow me to state my deep, solemn, and earnest conviction on this question? We are not now deliberating on a matter of transient interest. I am sure that all who hear me, whether they support this measure, or whether they oppose it, will agree that we are now handling principles that have determined, and will again determine, the existence of empires, and those principles must exercise a dominant influence over the widest surface and to the latest posterity. Perhaps I ought not again to address the House upon this subject, after having on a previous occasion experienced so ample a share of their indulgence. My only excuse is, that my feelings on the subject are so strong that I cannot control the earnest desire which I entertain to say once more what I think and feel upon this great and important question.

Now I wish at the outset to draw a very wide distinction between the Romish Prelates and the Court of Rome upon the one hand, and my Roman Catholic fellow-subjects upon the other. Of all the evils this proceeding has brought on, there is no one more thoroughly mischievous than the disturbance and unsettlement of minds and hearts it has caused among one of the most orderly, most loyal, and most respectable portions of Her Majesty's subjects—the English Roman Catholics. Our position is this. We maintain that the Pope of Rome, a foreign priest and potentate—I use these words emphatically, though not wishing to give offence—has violated, by his recent aggression, the law of nations, the law of the land, and has usurped the functions of the Queen and Her Parliament. I maintain that he has violated the law of nations. Let any person listen to the words of that famous document which I will take the liberty of recalling to the memory of hon. Members, as it is a long time since it has been cited. Mark these words:—

> "We, of our own proper notion, on certain knowledge, and of the plenitude of our apostolical power, constitute and decree that in the kingdom of England, according to the common rule of the Church, there be restored the hierarchy of ordinary bishops, who shall be named from sees which we constitute in these our letters. To begin with the London district, there will be in it two sees—that of Westminster, which we elevate—[mark his audacity!] to the degree of metropolitan or archiepiscopal dignity."

Then again—

> "Thus, then, in the most flourishing kingdom of England, there will be established one ecclesiastical province, consisting of one archbishop and twelve bishops, his suffragans."

Observe this. Not only have we suffered one aggression, but the Supreme Pontiff tells us beforehand that he is preparing others; and so far he is candid, and puts us on our guard:—

> "Wherefore, we now reserve to ourselves and our successors, the Pontiffs of Rome, the power of again dividing the said province into dioceses, and of increasing the number of its bishoprics; and in general to settle their boundaries, as it shall seem fitting in the Lord."

Such is the language of the Brief. Was ever anything more imperiously done by the old emperors of Rome, who claimed universal sovereignty over the whole civilised world? I say, then, that he has violated the law of nations; but rather than occupy the House with any arguments of my own, I will just give the very clear and succinct arguments of Dr. Twiss. He says—

> "The instrument could not have been externally more complete if the Queen of England had placed her realm at the disposal of the Holy See for all ecclesiastical purposes, nor could the Pope have dealt with his own territory in a more free and absolute manner. But, if there be any one principle of law which has received the sanction of that high usage and practice which constitutes it a binding obligation on all the Powers of Christendom, it is this, that the Pope cannot set up the see of a bishop within the territory of an independent Prince without his consent. Common sense suggests that none others than the Sovereign Power of the land can create a see within the land. The Pope may give a bishop mission, that is, may authorise him to go forth as the spiritual ambassador of the Holy See, but that the Pope should establish a territorial seat for his bishop in the realm of a Sovereign Power without its consent, would be to usurp an attribute of local sovereignty, and to take possession of the land for ecclesiastical purposes."

To show that this is the law of nations, he quotes the opinion of the great Lord Stowell, who says—

> "The law of nations, in a very great measure, stands upon nothing but usage and general practice; and the usage and constant practice throughout Christendom is this, that no see has been or can be created in the territories of any independent Prince without the authority of that Prince."

This usage and practice have been violated in the present instance, and the Pope has therefore violated the great principles of the law of nations. It makes no difference at all that the Church of Rome is not established in England, nor in the enjoyment of temporalities, for the temporalities are a civil accident of the sees. Dr. Twiss says—

> "It was not, therefore, in any way by reason of temporalities being connected with the sees of the English bishops, over whom the Pope exercised ecclesiastical jurisdiction before the Reformation, that the Pope was held to claim and use an assumed authority; it was not in temporal matters, but in causes which he called spiritual, that his power to dispense with the laws of the realm was disputed by the Crown of England, and ultimately declared to be unlawful."

So far for the law of nations. But he has not shown more respect for the laws of England. By the Act of 1829 the Romish prelates were forbidden to assume the titles of any existing sees or deaneries. It may be, that according to the strict letter, they have not violated the law; but I do not think any persons will stand up to say they have not violated the spirit of the Act. Will any one maintain that if in 1829, when the measure was under deliberation by this House, the Roman Catholic prelates had put forward a plea that they claimed a right to territorial titles and a territorial hierarchy, it would not have been used as one of the very strongest arguments against the passing of the Relief Act? Not one word was then uttered about any territorial demands whatsoever. Besides, let the House recollect one leading object of the securities of 1829; they were, in great measure, to protect the Established Church, as the present Bill is to defend the prerogative; and one of the securities given for that purpose was this, that there should be no other ecclesiastical corporation holding territorial titles, and claiming territorial power, or coordinate territorial jurisdiction. But we go further. This apostolical brief has actually defied the words of the statute, and has appropriated the title of an existing see, *Episcopus Meneviensis*, the bishopric of St. David's; an existing see occupied by a prelate of the Church of England. In this there has been something very insidious, for when that apostolic brief was published in the newspapers, there was nothing about a Bishop of St. David's; he was called Bishop of Merioneth and Newport, and the design was cloaked under the cover of a learned language—the Latin gives the title *Episcopus Meneviensis*, in the hopes that the people would be thereby deceived, or, if a translation were given, it might be treated as incorrect. But I have an authorised translation of the Brief, printed and published by a Roman Catholic bookseller, at the Metropolitan Catholic Printing-office, and here are the words:—

Lord Ashley

> "In the district of Wales there will be two bishoprics—that of Shrewsbury, and that of Menevia (or St. David's) united with Newport. . . . We assign to the Bishop of St. David's and Newport, as his diocese, the counties of Pembroke," &c.

I hope the House will pay very great attention to this fact, for it is of very great and serious import. It is, in the first place, a direct affront to the laws and statutes of these realms, and the authority of the Executive; it is in the second an experiment on the patience or the ignorance of Parliament; and if you pass this over, it will next year be quoted as a right, and then you will be told that you did not notice it at the time, and, therefore, are precluded from noticing it now, just as it is argued that you cannot resist the assumption of territorial titles in England, because you have so long connived at their assumption in Ireland. We are told that we took no notice when a Bishop of Galway was appointed, and are asked why we take notice when other bishoprics are created? Mark the language of Cardinal Wiseman in his *Appeal*. He says—

> "But there has been a more remarkable instance of the exercise of the Papal supremacy in the erection of bishoprics nearer home. Galway was not an episcopal see until a few years ago. . . . it was governed by a warden . . . . the Holy See changed the wardenship into a bishopric . . . Bishop Brown was consecrated in October, 1831. No remonstrance was made, no outcry raised, at this exercise of Papal power."

And why not? Because that act of the Pope was done—designedly, I doubt not—in a remote corner of the empire, and at a time of great public excitement, when the minds of all men were engaged with the reform of Parliament; they did it secretly with the intention of building it up into a precedent. And now a bishopric of St. David's is erected, with the same intention, and it is therefore our duty at once solemnly to protest against it, and say, the Pope of Rome has violated the law of nations, insulted the Crown, the Legislature, and the whole people of England, and violated the statute law of the realm, by the erection of these intrusive sees. I maintain that he has usurped the functions of the Queen and Her Parliament. Those who can doubt it must either have never read, or must have forgotten, the document to which I again refer—the Apostolic Brief. Was there ever, at any one period, from any Court or Sovereign, a more imperious, haughty, or overbearing decree? In what conquered country was there ever a more intolerable edict promulgated? It is conceived in the style and temper of Napoleon in his most palmy and arrogant days, and declares virtually that the House of Hanover has ceased to reign. Will the Parliament of England submit to this? If they do, I tell them the Queen will not—["Order, order!"] I beg pardon, the Crown will not, and the people of England will not. Bear in mind that the Pope of Rome claims dominion in these realms by his apostolic brief. Whom does he send to take possession of the realm? Not a simple ecclesiastic, but a prince of the Church, a noble of his own Court, who puts forth what he is pleased to call his "pastoral," which reminded me of a power which was said to have "two horns like a lamb," but yet "spake like a dragon." He says—

> "At present, and till such time as the Holy See shall think fit otherwise to provide, we govern, and shall continue to govern, the counties of Middlesex, Hertford, and Essex, as ordinary thereof, and those of Surrey, Sussex, Kent, Berkshire, and Hampshire, with the islands annexed, as administrator with ordinary jurisdiction."

Such is the style of nearly all the documents. Can you doubt the spirit and object of this pastoral? If you do, attend to the extract which I am about to read, which will completely indicate the spirit in which these things have been conceived, and in which they will be executed. There is no child in these realms who does not know, to some extent, the history of St. Thomas à Beckett, his claims to dominion over the Church and its temporalities, and the haughty and imperious manner in which he attempted to make the Church ride roughshod over the Sovereign of these realms. The extract I am about to read is addressed to the Roman Catholic laity, who seemed for a moment to have entertained some doubt of the consistency of their great champion. The extract is as follows:—

> "Need I remind you where or how I have been nourished in the faith? Is it likely that I shall be behind any other, be he neophyte or Catholic of ancient stock, in defending the rights of my lord and master? The second altar at which I knelt in the Holy City was that which marks the spot whereon St. Peter cemented the foundations of his unfailing throne with his blood. The first was that of our own glorious St. Thomas (of Canterbury). For twenty-two years I daily knelt before the body representation of his martyrdom? at that altar I partook even of the bread of life; there, for the first time, I celebrated the divine mysteries; at it I received the episcopal consecration. He was my patron, he my father, he my model. And, withdrawn from the symbols of his patronage by the supreme will of the late Pontiff, I sought the treasury of his relics at Sens, and with fervent importunity asked and obtained the mitre which had crowned his martyred head."—*Words of Peace and Justice*, by Nicholas Wiseman, 1848.

He tells you that his patron, father, and model is "Thomas à Beckett," and you may, therefore, see in what spirit these things have been undertaken, and in what spirit they will be executed; and if you do not withstand this primary aggression, you will have to withstand it hereafter, and you will find it wielded by an arm more powerful and a spirit not less ambitious than that of Thomas à Beckett.

All this is without the shadow of right. I ask you, if you think there are precedents for it, to quote to me any one single instance in the history of any of the old established nations of Europe, to justify the present movement on the part of the Pope. You are not to quote the case of America, which is a mere confederation of States in which there are no historical recollections; nothing to be regained from Protestants, no recollections of thrones and churches lost and won. In the history of the countries of Europe, you can find no single fact to justify the present Papal aggression. Not one. Law, justice, history, and common sense are on our side, and yet this great kingdom is driven to an attitude of defence, and if you listen to the language of some of her sons she will be almost driven to an attitude of supplication. The apologists plead conscience, call their demand a spiritual function, and are supported by British statesmen. Is the introduction of the word "conscience" to operate as a spell, and confer an almost magical influence upon the man who uses it?

Are we to apply no test—to institute no inquiry? Archbishop Fransoni thought it a matter of conscience that crimes committed by ecclesiastics should only be cognisable by episcopal authority. The Government of Sardinia thought otherwise, and maintained its rights. A matter of conscience indeed! What share has it here? I should like to learn what territorial titles have to do with the domain of the spirit? Milton spoke prophetically when he said—

> "Then shall they seek to avail themselves of names,
> Places and Titles; and with these to join
> Secular power, though feigning still to act
> By spiritual; . . . .
> and from that pretence,
> Spiritual laws by carnal power shall force
> On every conscience."

But the hon. and learned Gentleman the Member for Plymouth (Mr. R. Palmer) will not allow us even to apply distinctive epithets to the Roman Catholic bishops, and to call them the Roman Catholic bishops of this or that district. The hon. Gentleman maintains that liberty of conscience demands that they shall be allowed to take territorial titles whenever they require them, and that in legislating against the adoption of this practice we are legislating against the natural use of language. Sir, I deny this—I maintain that we are legislating against the abuse of language only. It was the natural use of language to call the son of James II. by the name of James III., but it was illegal to do so, because the use of it indicated adherence to the Roman cause. We legislate against the natural use of many things. We legislate, for instance, to prevent men's arms and legs being used in a fit of passion to execute revenge. We legislate against the natural use of anything which inflicted a social wrong on the community, a moral wrong on an individual, or which has any injurious operation whatever on the body politic. Then you call this Bill persecution; a restriction of religious liberty! and declare that it will be wholly inoperative. Persecution! What, to forbid a foreign priest and potentate to designate certain parties by certain names, within these realms? This Bill was not persecution when first introduced; still less so is it since the copious depletion it has suffered at the hands of the Secretary of State for the Home Department. I beg the House to mark that it is an entirely new plea that territorial titles are necessary to the development of spiritual purposes. Such a plea was not put forth in 1829. The Roman Catholic clergy joyfully accepted the Relief Act of 1829, with all its provisions, one of which was that they should not continue the use of territorial titles; and it was never said that it would repress the development of their spiritual functions if they were not allowed territorial titles. They accepted the Act with all its conditions, and their acquiescence in that Act justifies the course which the opponents of Papal aggression are now pursuing, and the arguments by which they maintain their cause. Moreover, Dr. Wiseman, in his famous *Appeal*, does not make use of the argument that territorial titles were essentially necessary to the spiritual functions of the clergy. What he said was this, that every Court had its own forms, and that this was one of the forms of the Court of Rome. But with reference to the charge of persecution, I beg to say that I have been forcibly struck with the idea that, if there is any persecution whatever in the matter, it is persecution of the Roman Catholic laity by the Pope of Rome, who compels them, by his recent brief, to choose between ultramontane allegiance and British loyalty.

But we are told that this Bill is inoperative. I freely admit that in its present mutilated form it may disappoint many who looked for a more stringent measure; but nevertheless the residue is exceedingly valuable as a solemn national and Parliamentary protest against this Papal aggression. It is a record to be entered on the Statute-book, that this haughty and ambitious effort to rule in the realm of England is denounced by the Queen, her nobles, and her people. We do require some public and authentic declaration of that sort. The policy of the Court of Rome is deeply insidious and worldly wise, and is striving by all means in its power to familiarise the minds of the people of this realm first with the notion of an established, and then of a dominant Church. Let any one now take up a newspaper, and he will see advertisements repeatedly of new and magnificent services to be performed in all parts of the town by the bishop of this or that place. I do not say that they have not a perfect right to make such announcement; but I have a right to quote them in connexion with this measure of Papal aggression to show that there exists a design to familiarise the minds of the people with a new order of things. I mention them to put people on their guard. Are you not struck by the frequency of ecclesiastical costumes in the streets? You may see even friars in their strange garb, and in the course of a short time you will have a vast increase in the number and costliness of their churches and chapels, with all the pomp attending the dignity of a cardinal and a titular hierarchy. I am not asking for any law to interfere with these things; but it is for our own honour, and for the guidance of our people, that we enter on our Statute-book, that all this is the work of, and for the behoof of, a foreign Power, which we utterly repudiate and abhor. Here is enough, I think, to excite our indignation. But we ought to look to the real perils of the case. I believe there is no greater danger to be apprehended than the belief that Romanism is changed, or become harmless or incapable. She has experienced many vicissitudes; and her greatest efforts have always taken place after her greatest weaknesses. Her history shows that she possesses superhuman elasticity, and that she usually displays fresh vigour after every repulse; and I am sure that those who speak of her with the greatest contempt are the most likely to become her easiest victims. I will endeavour to trace, in a very few words, her portentous career. The Reformation, in the 16th century, seemed to threaten her with extinction. The soul of mankind appeared to have risen in rebellion against her, and she was apparently on the brink of destruction. And yet, as is shown in the able work of the historian Ranke, she made the most prodigious efforts at a time when the world thought she was nearly inanimate:—

> "The history of the world," says Ranke, "does not present a time in which the clergy were more powerful than at the end of the 16th century. They sat in King's councils, and discussed political matters before all the people from the pulpit; they governed schools, learning, and the whole domain of letters; the confessional afforded them opportunities of prying into the secret conflicts of the soul, and of deciding in all the difficult and doubtful circumstances of private life."

Under Louis XIV., and during the French Revolution, she experienced great depression. In 1815, however, she started afresh; she restored the Jesuits; she reasserted all her rights. She gained the victory in 1829, and effected the separation of Holland and Belgium. He mentioned this to show the great power she exercised. She suffered temporary depression again in 1830; but she gained under Louis Philippe much more influence than she had possessed under Charles X. She suffered another temporary depression in 1848, but she has recovered herself again almost as if by miracle, and she now rules Austria, France, and Italy with an almost unprecedented dominion. Austria has surrendered every bulwark which had been raised by the Emperor Joseph respecting the rights of the crown and the liberties of the clergy. France has as much revoked her charter in respect to Protestantism as Louis XIV. did when he revoked the Edict of Nantes. The Protestants of that country are given up to the Romish clergy. The Protestant chapels are closed. [*Cries of* "No!"] He could prove it by authentic documents. The Protestant schools are empty. ["No!"] I reassert that chapels are closed, schools empty, public worship in many places actually forbidden—I will prove it if the House thinks it necessary, and the subject is well worthy a few hours' discussion—public worship is in many places actually forbidden, and that the condition of the Protestants in France is far worse now than it was under Napoleon, or under the Monarchs of the Restoration, or the Barricades. I have letters which I could read to the House, if required, giving a most piteous description of the condition of the Protestants in France, and saying that, with the exception of the *dragonades*, they were, as a body, as oppressed as their fathers were under Louis XIV. It is to support such a power as this that we are now called upon to give facilities for hierarchical organisation. We are called on to give facilities, not simply to maintain, but to promote, Romanism within these realms. Does the House consider the state of things presented to their view? Here is a body whose ecclesiastical corporations are ramified in almost all the kingdoms of the world, whose members are bound together by ties of common interest and common feeling, who are subdued to an active and severe discipline, and guided as by one heart to one common object; and the head of this confederation is a foreign priest and potentate—the Pope of Rome—who, through the fears and the policy of mankind, is invested with all the attributes of the 11th and 12th centuries, and who is reviving all the pretensions of the days of Hildebrand. Now, the fact that this organisation is set on foot and headed by a foreign priest and potentate constitutes the great difference between the Romish

Church and those bodies in this country who exercise synodical action — such as the Wesleyans, the Church of Scotland, the Free Church of Scotland, and that Church which the hon. and learned Member for Plymouth indicated as likely to arise—the Free Episcopal Church of England. Most undoubtedly we cannot refuse synodical action to those bodies, because they own no foreign allegiance, and are governed by no foreign head. They take their rise—they have their beginning and their end within the four corners of the realm. Everything they undertake is British, their purposes are all British; from beginning to end they have British interests, and no other. But it was because the organisation of the Romish Church is headed by a foreign priest and potentate, that the people of England entertain so deep and unalterable a horror; and we may depend upon it that the people of England will never submit, so long as they have breath in their bodies, to have forced upon the Crown of this realm and themselves, synodical action by prelates who owe their origin and allegiance to a foreign priest and potentate, who himself is now, and may always be, for aught I know, under other influences than those of his own religion, viz., under the influence of the foreign Powers, to the points and presence of whose bayonets he owes the vital air he draws, and to whom, whether from coercion or from a sense of gratitude, he may frequently be induced to extend his support and influence for political purposes. This is the great and dominant idea in the minds of the people of England, and it is on this ground that they will offer an uncompromising and undying resistance to the aggressions of the Pope. I cannot but take notice of an admission made by the noble Lord the Member for Arundel the other night, when he was good enough to allude to what I said on a former occasion in reference to the claim put forward by the Bishop of Rome to spiritual jurisdiction over every baptized soul, be his creed or denomination what it might. The noble Lord expressed himself to this effect — "It is true Rome does claim every baptized soul; but why be alarmed? There is no reason for fear; Rome has no power to exert her claims." Why, that seems to me an admission that if Rome had the power, she would exercise those claims, and therefore we (the English people) are determined, God helping us, she never shall have either the power, the pretence to, or the belief in it, over the Protestant people of these realms. I know it has been said very often, in laudation of the Pope, and in praise of his moderation, that he has by this late step greatly abridged his own personal power, and crippled his means of individual action. That may be so; but no one can doubt that he has very vastly increased the power of the Church, and consequently of the Papacy, by the concentration of all these ceremonial forms and by the attempted institution of synodical action. Why, look to the assumption of power contained in the Papal letter:—

> "We decree," says the Pope, "that these our letters apostolical shall never at any time be objected against or impugned through fault of missuggestion or missuppression, or any defect either of our intention or otherwise, but shall also be valid and in force, all general or special enactments notwithstanding, whether apostolical or issued in synodal, provincial, or universal councils; notwithstanding also all rights and privileges of the ancient sees of England, and of the missions, and of the apostolic vicariates there established, and of all churches whatsoever and pious places, whether established by oath, by apostolic confirmation, or by any other security whatsoever; notwithstanding, lastly, all other things to the contrary whatsoever."

He undertakes to override every institution, every law of the country, everything that has existed since the introduction of the Christian religion here, or in any other part of the world. Just consider the force of these words, "We decree these letters shall never be impugned, all special or general enactments notwithstanding." He claims here power to set aside all synodical, all provincial, and all universal Councils, without any limitation, not even excepting those of the first four centuries. He pays no respect to England whatever. What was the force of the words "notwithstanding all rites and privileges of the ancient sees of England?" Does he mean the Protestant sees, or those which are stated to have existed since the times of the Saxons? What does he mean by the word "churches?" Does it include the English Church, or is the Church of Rome ever spoken of in the plural number? I have always thought it was the boast of Rome to be one indivisible Church in every part of the world. The noble Lord omitted to say anything of the great assumption of power in the unprecedented exercise of the prerogative, so to speak, of the Pope, in taking away from his Church in Ireland their old right of nominating their bishops, thrusting in, as it were by his own hand, his own bishop, without any reference to the ancient form of procedure. Bear in mind and consider what is the result of the change from vicars-apostolic to a regular hierarchy, in which the exercise of individual and independent opinion is taken away, and full power reposed in the majority. This constitutes the force, and in some measure the danger, of synodical action, as preparatory to the introduction of the canon law. If the House will allow me, I shall say just one word upon this. The hon. Member for Leominster, in a comment he made upon something that I had uttered, rebuked me and others for the fear we entertained—for our apprehensions, by saying, " Why need you be alarmed? the canon law is binding upon the Roman Catholics, and not upon us; it is a matter of conscience, and not recognisable in any civil court of the realm." The hon. Gentleman says what is true, but he does not go far enough. If the canon law existed already in England, and had been in force for some time, perhaps it would not be possible for us to enter into an argument against it. But when we are called upon to assent to the proposition for the first time, we have the right to ask in what manner it will affect a large body of our fellow-subjects, and how it will place the Roman Catholics relatively to their obligations to the Protestants of the empire? Now I maintain that the introduction of the canon law will essentially alter many of their obligations both in public and private; I maintain that the introduction of the canon law, being binding on the conscience, will in a vast number of instances, affect their action in law, in society, in political and civil life. The very worst parts of the canon law are at the present moment in full activity. The great canonist Reiffenstuelt published an authentic comment upon the canon law, which was quoted by Mr. Bowyer, writing in 1831 under the immediate sanction of Cardinal Wiseman. Reiffenstuelt says that many of these parts of the canon law are as much binding as at any period of their history. If that be so, it will place those whose consciences they affect in a new position respecting us—it will affect many transactions in which we are engaged with Roman Catholics in courts of law, and it will affect many questions of public polity. I say we have a right, before we assent to this state of things, to consider whether it is a regulation beneficial or otherwise to the great mass of the Protestant communion. What says Ranke, speaking of another period? " They are weapons kept in the arsenal of the canon law rather for curiosity than for use, and are now brought forward into immediate and deadly activity." And this is a warning to us—many of these things which are kept more for curiosity than use, in my belief, if the time or occasion served, would be brought forward into immediate and deadly activity. But Dr. Ullathorne shall give us the best proof to show the domineering character of that code. There is a case I wish to bring before the House, to show how this will operate upon the law. In the first debate upon this question, I wished to quote some passages from the canon law, and said that it was laid down that, as regarded the canon law and decrees, " the laws of kings have not pre-eminence over ecclesiastical laws, but are subordinate to them." And then, let the House observe this, " The statute law of laymen does not extend to churches or ecclesiastical persons, or to their goods, to their prejudice." The very next morning there appeared a letter in the *Times*, whch must have been written on the very night on which my speech was delivered, and consequently could not have been written in reference to anything I said. The letter in question was addressed to Lord John Russell, and was signed by Dr. Ullathorne, who now professes to call himself Bishop of Birmingham. Let the House bear in mind the passages I have just quoted. What does Dr. Ullathorne write?—

> "There is one point for your Lordship to consider. The hierarchy is established, therefore it cannot be abolished. How will you deal with this fact? Is it wise to force a large body of Her Majesty's subjects to put the principle of Divine law in opposition to such an enactment?"

He sets your law at defiance. How will you deal with that fact? There at once is the whole course of their policy, the whole principle of their proceeding. If any law is passed to repress any overt action of the Roman Church, she thunders against it the Divine law and Divine denunciations. They plead liberty of conscience and the necessity of spiritual freedom; and the State is told it must give way from point to point, until at last we shall be cast bound into that burning fiery furnace. [*Cheers and derisive laughter.*] It is very well for some hon. Gentleman to laugh; but I am happy to refer to the words of the hon. and learned Member for Plymouth, who said he did not deny that the Church of Rome was aiming at political power and ascendancy, and should she obtain it she might revive the fires of the Marian persecutions. These are not my words, but those of the hon. and learned Gentleman who is your advocate, and who has maintained their cause with most ability during the debates in this House. Now, to meet these dangers, to battle with a foe so wary and so terrible, the measure here proposed may be altogether inadequate. It is so, I believe; but, being so, I rejoice that the people know it. They ascribe its weakness to the difficulty of coping with so wily and tortuous an adversary. We are not now devising how to stop a highway, or to effect some other scheme of ordinary and trifling legislation. We are here engaged in deliberating on that which has baffled the most powerful monarchs, perplexed successive generations, and hitherto escaped all law, force, and opinion—in deliberating, I say, on the mode of repressing the onward march of Papal domination. It is difficult, we know, but it is not the less to be attempted—*quid enim præclarum non idem arduum?* How deal with such a Protean power, presenting alternately and conjointly every form of spiritual, temporal, and ecclesiastical policy? It pretends to be spiritual in England, to be ecclesiastical in Spain, is temporal everywhere, though professing to be nowhere; it is democratic in Ireland, and despotic in Austria; it terrifies statesmen in Sardinia by refusal of the sacraments, and the Government in France by a refusal to support them at elections; here it is, in England, appealing to the rights of man and liberty of conscience; and there it is, in Italy, denouncing them by the lips of Pope Gregory XVI., as—

> "That absurd and erroneous maxim, or rather wild notion, that liberty of conscience ought to be assured and guaranteed to every person."

This is the language of infallibility. And can any Roman Catholic venture after this, with any consistency, or even decency, to get up here and appeal to the rights of man and to liberty of conscience? How, I say, deal with such a Power? The forms of our free constitution, and our Parliamentary system, seem infantine before a machinery so vast, so complete, so utterly impenetrable. And yet, by God's blessing, we will deal with it. We do not confide in legislation only, we trust to the convictions and to the attitude of our people. God forbid we should rest satisfied with any mere law! we seek a defensive, not a coercive law; defensive, to give us liberty of action, not coercive, to render us idle and secure. Penal laws, objectionable in principle, are ruinous in practice. While Ireland lay under penal laws, the spirit of Protestantism was heavy and asleep; when they were repealed, and men could no longer trust to statutes, she awoke, like a giant refreshed with wine. Her progress is now rapid; and, say what you will, we will make in Ireland more converts in a year, than you shall throughout this realm of England in the whole of a century. What, then, do we apprehend? Why this — A struggle is now begun, which the youngest man in this House may not live to see terminated; it is the great, and perhaps the final conflict, of antagonistic principles. Can any one doubt it? Look to the state of the Continent, and of some of the oldest empires. Old political sympathies are there changed for religious; whatever is opposed to Rome is there held to be opposed to order and security, and a thing to be put down. Everywhere there is a preparation for a religious war. Austria, espousing the quarrels of the Pope, is panting to put down nascent liberty in Sardinia; another Simon de Montfort may head another crusade against the recovered rights of the Waldensian Christians; France, supporting Papal tyranny in Italy, and busy in unprecedented persecution of Protestants at home, may soon seek political aggrandisement under pretexts of religion. This realm of England may stand alone, but it will not give way by submission; no, not for an hour. What may be the issue to the empire no man can foretell; but, for ourselves, happen what may, we will, by God's blessing, stand immoveable on our immortal faith, which we have neither the right nor the disposition to surrender.

MR. S. HERBERT said, he felt very great difficulty in addressing himself to the question, because he felt appalled by its magnitude, believing it to involve the very foundation of the whole system of government in this country, and the principles on which its unwritten constitution was founded. It was the magnitude of the question, certainly not that of the measure —which contained nothing to keep him within bounds—that created the difficulty he experienced in approaching the subject; and he felt likewise regret that he should differ from one to whom he was proud to be bound by the ties of private friendship, and by the admiration he felt for his public character—he meant the noble Lord who had just spoken. He admired the frankness and honesty with which the noble Lord had stated his views, and, although he differed from him entirely as to the mode of treating the difficulties with which this question was attended, he would endeavour to follow in the same spirit. He differed, then, entirely from his noble Friend, and with many hon. Members who had spoken in the course of this debate, with respect to the mode of treating the difficulty they were under, though he was not sure he differed from them so much with respect to the nature and extent of the danger. His noble Friend had taken the course which had been taken by several of the preceding speakers in the course of the debate with respect to the question of restricting the Papal aggression, and he had enumerated all the dangers that resulted, not from the toleration, but from the predominancy of the Roman Catholic faith in countries where that faith prevailed; but he had not attempted to show, any more than the hon. and learned Member for the city of Oxford, the connexion between the dangers he anticipated, and the Bill which was to put an end to them, and, as the noble Lord asserted, was to meet and control them. If ever there was a question before Parliament, on which hasty and precipitate legislation would be fatal to the best interests of the country, it was the present, embracing as it did the great question of toleration, and being one on which the possibility of governing one-third of the subjects of the Crown must ultimately depend. Let us just look at the course the Government have taken on this Bill? When first introduced into the House, it consisted of four clauses; now it consists, or rather it is intended to consist, of only one clause. When it was first introduced, the noble Lord made an able speech, the misfortune of which was, that the Bill seemed as nothing after it. Well, the Bill required setting-up; and the Attorney General, differing from the noble Lord, assured the Protestant people it was not a sham, but that it would prevent endowments, and invalidate deeds acknowledging the forbidden titles. In the mean time, whether from the opposition it encountered or not, the second and third clauses were omitted, these being the very clauses on which the Attorney General depended; and they were told by the right hon. Baronet the Home Secretary they would have directly impeded the spiritual functions, on the exercise of which the very freedom of any faith depended. He had been much struck with the statement of the hon. and learned Member for Dundalk, that there was the highest legal authority—the written opinions of Mr. Bethell, Mr. Bramwell, and Mr. Surrage—to the effect that these very clauses were mere surplusage, for that the first contained the operative part of both. According to that opinion, the first clause contained all that was binding and stringent in the second and third; but, if the latter clauses were to be retained, or rather restored to the Bill, at the instance of the opponents of the measure, then, if the Home Secretary is right, the Government would be placed in the strange position of being obliged to vote against the third reading. If the first clause alone were retained, he begged to ask what would be the effect of that portion of the Bill? But, before he proceeded to examine that question, he wish to remind hon. Members, that in this country we professed not to act in any manner contrary to the principles of civil and religious liberty; yet the first clause, if the lawyers be right, invalidated every institution of the Church of Rome, which the Home Secretary says we must not interfere with. [An Hon. MEMBER: The second.] No matter, the first clause did it also; but whether it were the first or the second, or the third, the measure invalidated spiritual acts of the Roman Catholic Church in this country. According to the Bill, any document signed by a Roman Catholic bishop with the title of his see became void. He issued, they might suppose, letters of ordination. Those might be signed, he would say, "Archiepiscopus Dublinensis;" but those letters of ordination would be illegal. The man who received them would not be a priest but a layman; all his acts would be informal and illegal, the marriages which he intended and professed to solemnise would be invalid, and the issue of them illegitimate; and he greatly doubted whether an Act designed for the repression of encroachments on the freedom of religion was not in itself an invasion of the first principles of religious liberty, and that it was moreover a direct interference with civil liberty and social rights. Of the preamble of the Bill he should say nothing, but what was the title of the Bill? It was called "The Ecclesiastical Titles Assumption Bill." Why even this is inaccurate. No one denied the existence of ecclesiastical titles, or the right to assume them; these bishops are bishops—no one denies that. It is the territorial title which is objectionable; and the Bill, therefore, ought not to be called the Ecclesiastical Titles, but the Territorial Titles Assumption Bill. Supposing, however, the title amended, if his hon. Friend the Member for Surrey succeeded in reinstating the clauses which had been withdrawn, what must the Government do? The only thing that was left to them, was to vote against the third reading of their own Bill. It was painful to him to see things come to such a pass. For many years we had had peace and tranquillity in the country. No doubt some Member would say, who was now disturbing that peace? [*Cheers.*] He was perfectly ready to meet that cheer. We had enjoyed peace and tranquillity for many years, and for many years we had enjoyed toleration. It had now been in this debate somewhat the fashion to give definitions of toleration. Of that term he had heard the definition given by his noble Friend the Member for Bath; he did not deny that definition, but there were few principles, especially in politics—perhaps in politics none—which did not admit of some exceptions. The truth was that, in the balance of opposite principles, the safest ground of policy might be found. An hon. Friend of his, the Member for Oxford, held, in his definition of toleration, that toleration was limited by that which was not injurious to others—that was, he believed, the opinion which his hon. Friend himself held: but the *onus probandi* lay on his hon. Friend, who was bound to show what we were likely to lose—the power and rights of which we were to be deprived by the toleration now demanded. He heard his hon. Friend the Member for the University of Oxford, with pleasure—with the pleasure which novelty usually afforded—give his opinion in favour of toleration; he regretted, however, to hear it modified to this extent, as it appeared to him that the person he tolerated must hold the same opinions as himself. This was a kind of toleration which could not be defended. His (Mr. Herbert's) opinion was, that in this country toleration, Christian toleration, gave to every man the privilege of holding any religious opinions. He might say that it was the privilege of an Englishman to hold any truth that he thought proper, or to hold any error which he believed to be truth; and he had not yet heard a single argument in favour of the Bill, which was not rather an argument against the Roman Catholic religion, than against the toleration of those who profess it. It must be felt that the debate was fast assuming a theological character, but it was not the fault of those who opposed the Bill that it put on that aspect, or that language might be used calculated to wound the susceptibilities of the Roman Catholic Members of that House. He regretted that he thus found himself compelled by the very nature of the subject to argue the doctrines and tendencies of the Roman Catholic Church. He must say that he fully concurred in what had been stated as to the peculiar doctrines and tendencies of that Church; but, in viewing those tendencies, fearing them as he did, and fearing the spread of their opinions, he must say he had no faith in the efficacy of Acts of Parliament for their repression; least of all could he say that he attached much value to the statement that the Act of 1829 formed a strong defence for the Established Church; he did not desire to see that Church fenced round by Acts of Parliament of a penal character, by that which would render her odious in the eyes of a great portion of this community. He trusted that the Church of England stood upon a purer and sounder foundation than to require any such support. With the Established Church, he held those doctrines which he believed to be the primitive tenets of Christianity, delivered by our Lord himself. But here in this country we tolerated all religions—we prohibited no exercise of religious rites—we admitted to Parliament members of all Christian sects; at least that was the present state of our constitution. In England, there was an Established Church; but alongside of her full leave and license was given to every form of religious faith under the voluntary system. He preferred the Established Church; but if any one thought the voluntary system better, it was free to him to stand aloof from the Establishment. Although he belonged to the Church of England, he felt that that Church could not cover the entire ground; and he was likewise deeply convinced of this, that any the most imperfect form of Christianity, was an inestimable blessing to a people, a great portion of whom are without religious teaching. In England, then, we had an Established Church; but in spite of that, in spite of our Church being so closely connected with the State, we still gave the utmost liberty and license to any religious organisation, to any ecclesiastical system. He begged the House would here just let him read a short statement of the principle of toleration as developed by a great man, Mr. Burke. It was thus expressed:—

> "Toleration being a part of moral and political prudence, ought to be tender and large. A tolerant Government ought not to be too scrupulous in its investigations, but may bear without blame, not only very ill-grounded doctrines, but even many things that are positively vices, where they are *adulta et prœvalida.* The good of the commonwealth is the rule which rides over the rest; and to this every other must completely submit."

To that description of toleration he gave his adherence. He did not ask whether a man was a Presbyterian or an Episcopalian; he was willing to tolerate any form of religious faith, and amongst the number that of the Roman Catholics. He would not inquire, therefore, for the purposes of this debate into the comparative truth and error of the Roman Catholic faith, nor whether there are opinions held by the Church of Rome which led his noble Friend to say that it was abominable. ["No, no!"] He was glad to learn that he was mistaken in what the noble Lord had said, and that it was not intended to apply such language to the English Roman Catholics. He was glad to observe the disavowal of terms which it would be most painful to hear applied to any sect of Christians. But it must be recollected that in tolerating any form of Christianity, they could scarcely be said to tolerate error. There was no form of truth entirely overlaid with error. The idle inventions of man were never so great as the revelations of God. The vastness of truth, of any truth which involved the redemption of our race, as revealed to us by God himself, was such that no admixture of error could entirely destroy or overlay it. It was a question of comparative truth then, and it was upon that that we differed from the Roman Catholics. Having, then, established that toleration was not a toleration of that which we approved of, but of that which we disapproved of, what were the limits to be laid down for it with respect to any particular kind of faith, and what were the means by which such limitation should be enforced? This, in fact, was the question as to Papal aggression. Now this country had been for a considerable time (it was of no use going back to very distant days) mapped out into eight districts, under vicars-apostolic, exercising certain episcopal functions, but having no proper episcopal jurisdiction or authority—having, indeed, no sees, and not being bishops, or having bishoprics in this country. That had been altered now into twelve bishoprics. What was the effect of this change as affecting our *status?* How was our civil, political, or religious state affected by this alteration? To talk of the language of the Papal rescript, and the archiepiscopal pastoral, was another thing. Episcopal arrogance was not new. That ecclesiastics when claiming power were apt to exaggerate the effect of their authority, was not a new discovery; and he did not know that in Papal proceedings there was ordinarily very different language employed. There is no doubt, however, that such language as that used in the Papal brief was singularly offensive to Protestant feelings; but the question is, how are we to meet that? Is this Bill the best way of meeting it? That is the real question. Now is it not possible that the change on the whole diminishes the power of the Pope, whatever it might do in respect to Roman Catholicism? When there were in this country vicars-apostolic, the Bishop of Rome claimed to be Bishop of England. The vicars-apostolic were the representatives of the Pope in the form most offensive to the feelings of the country, as, in the persons of these vicars-apostolic, the Pope claimed to be Bishop of all England. Ever since the Reformation, the Roman Catholic party had desired to get rid of that arrangement, which deprived them of their due degree of independence of the Holy See. The matter had been agitated under various Popes, who had declined to do what was desired, and who would thereby have lost the direct power they exercised through the vicars-apostolic. Under this same system the canon law had existed here, more or less, ever since the Reformation. It had existed under the vicars-apostolic, not in its entirety and integrity, one part of it counterbalancing and correcting another, but such portions of it only as the Pope, in the plenitude of his power, chose to send to England. In Ireland there had been all along the canon law. Had it clashed with the municipal or civil law of the country? Not more than the by-laws of any society, religious or lay, might be said, in their pretensions, to clash with the civil or municipal law. Practically they could not clash, nor be confounded. How could that which was voluntary clash with that which had the power of the secular arm to enforce it? It was said, indeed, that in Ireland the whole canon law was not carried into effect. But if so that could only be because the people of Ireland did not desire it, although the masses of them were Roman Catholics; what fear then could there be in this country, with an educated and enlightened body of Roman Catholics. Was it seriously intended to prevent the right of discussion in the Church of Rome in this country? It was allowed in every other religious body in Great Britain, except in the Established Church, to which the State gave great advantages, requiring therefore in return the relinquishment of this. The Church of Scotland had ever had synodical action, the Free Church had it, and every dissenting body enjoyed and exercised it. Let not the House here be led away by names. The substance was in every case the same, whether it were called "synod," "conference," or "church meeting;" and whatever the danger in any one case, it existed equally in the others. The Synod of Thurles had been blamed, and justly blamed, for the course it had pursued with respect to education. The Synod of Thurles he considered as one of the strongest cases in point. He was opposed to the opinions of that body as strongly as he could be to the sentiments of any set of men. He was favourable to the establishment in Ireland of colleges for the purpose of giving a free and mixed education to all denominations, as the best means of uniting and soldering the parties into which the inhabitants of that country were divided, and he thought the opinions of the Synod of Thurles thoroughly wrong. But it was another thing to deny their right to have an opinion. But had there been no other instances of clergymen mixing themselves up with temporal affairs? In 1845, when the country was agitated from one end of it to the other with the corn laws, and class was arrayed against class, the ministers of the different "denominations" met at Manchester to consider, not spiritual subjects, but the most effective way of agitating against those laws. That was "synodical action" not at all limited to spiritual purposes. And when the noble Lord at the head of the Government had propounded his plans of education in this country, the noble Lord had the bishops of our own Church remonstrating against the plans of the Privy Council. In fact, it could not be prevented. It was impossible to prevent bishops from meeting in their own dining rooms if they liked, and passing resolutions, and circulating their opinions upon any subject among those who would be willing to accept them. This was what the promoters of this Bill professed to prevent. But they could not prevent it. Unless they were prepared to put down free discussion, they could not put down synodical action. But even if you can, let it be shown how this danger of synodical action, and the introduction of the canon law, is in any way met by the Bill. Test this by the speeches of those who supported the Bill. The hon. and learned Member for the city of Oxford spoke of the Sardinian case as showing the intolerance of the Roman Catholic Church. There was no denying it. That, however, was the Roman Church in Italy. And he must do his Roman Catholic fellow-countrymen the justice to say that he could not believe that in the nineteenth century they could believe that the sacraments of the Church could rightly be refused to a man on account of a vote conscientiously given in the Legislature. But if all this were so in Italy, and if Roman Catholic synodical action here were really likely to be fatal to the liberties of England, although it existed in every other religious denomination, and it had always existed, and would always exist here, among the Roman Catholic Churches, would Dr. Wiseman be any the less able to excommunicate, because he was called Archbishop of Melipotamus? Call Dr. M'Hale Archishop of Timbuctoo, instead of Tuam, would he be the less able to withhold the sacraments from laymen? Would all the Irish embarrassments be got rid of, and the spiritual power of the Roman Catholic Church be suppressed? Why, there was no logical connexion between the two things; and it was pitiable to hear men get up one after the other and night after night declaring against the Roman Catholic religion, and then say, because this is so—because it is so hostile to civil and religious liberty in Italy, Spain, &c., therefore all this must be got rid of, and an intolerant church made meek and humble by calling Dr. Wiseman Archbishop of Melipotamus, instead of Westminster. The measure was a sheer sham, which would not bear a moment's examination, and he regretted to hear men, able and acute, committing themselves to an argument which had not a rag of reason or logic to rest upon. In Ireland, however, there had been a synod. What danger had arisen? He appealed to the hon. Member for the city of Cork, who had the honour of sitting by the side of Sir Robert Kane, when (after the decrees of that synod denouncing the colleges), he, as the head of one of them, made his most admirable speech. Those gentlemen (and others) did not quail before the synod on that subject of education, but nobly vindicated the right of the Catholics to have a mixed education with Protestants under the same tuition as to secular matters, and, with the freest religious instruction upon spiritual, going afterwards into the same profession—civil, or legal, or military, in utter oblivion of religious distinctions. The Roman Catholics of Ireland were actually preparing an open and undisguised remonstrance against the decrees of that synod when this unfortunate question arose, and excited and inflamed the people, and united the Catholics of all classes against the Government Bill. He rejoiced, however, to see the speech of Sir Robert Kane, who had not quailed before the terrors of the Synod of Thurles, and he was satisfied, from subsequent information, that so far from the Roman Catholics of Ireland yielding servile obedience to those denunciations of the colleges, the number of Roman Catholic students had increased instead of diminishing. There had been several proposals made in the course of this debate. The hon. Member for the University of Oxford said that the Government should have met the aggression of the Pope by issuing a declaration and proclamation in the first instance—with which view he cordially agreed—and in the next by negotiating with the Court of Rome for a retractation —taking advantage of the Bill passed in 1848 for opening diplomatic relations with the Pope. If the retractation or apology could not have been obtained by those means, the hon. Baronet said, he would have extorted it by sending a fleet to Civita Vecchia or Ancona, and administering the "cannon law" of the noble Lord the Foreign Secretary. But there were circumstances which would have rendered such a proceeding as this last on the part of our Government unjustifiable in the eyes of Europe. In the able speech by which the noble Lord at the head of the Government had introduced the measure, he avowed his change of view as to the manner of treating these questions; but he had said nothing of his change of opinion with respect to the Roman Catholic policy previous to the occurrence of the Papal aggression. This was an important point to be taken into consideration in determining on the probability of the Pope having supposed that the proceeding he had adopted would not be disagreeable to our Government. He would read an extract from a speech delivered by the noble Lord, and he would do this, not as an *argumentum ad hominem*, for the noble Lord says he has changed his opinions, which is sufficient, but for the purpose of showing that the language which had been used by the noble Lord might have deceived the Roman Catholics as to the manner in which the Pope's measure would be received by the Government. On the 13th of February, 1844, the noble Lord said, not hurriedly, in answer to a question, but deliberately, on introducing a Motion respecting Ireland, with all the pomp and circumstances of Parliamentary warfare :—

> "The system, therefore, which I should be disposed to adopt would be one which would put the Established Church, as regards the Roman Catholics, and Protestants, and the Presbyterians of the north of Ireland, on a footing of perfect equality. . . . But I look forward to the time when the present circumstances of irritation shall have passed away, and confidence in the Government pervade the minds of the people again."

This, of course, meant when the noble Lord and his Friends should be in office, they being then in opposition—

> "Which will enable us to give exactly the same advantages to the Roman Catholics and Presbyterians of Ireland as are now enjoyed by the Protestants. At all events I think that we ought to take away everything derogatory to the position and character of the Roman Catholic bishops. You provide by statute that they shall not be allowed to style themselves by the name of the diocese over which they preside. I think that a most foolish prohibition. You declare that Dr. Murray shall not style himself the Catholic Archbishop of Dublin ; but he is so nevertheless—and a man of very high attainments and character in the eyes of the people of Ireland." [3 *Hansard*, lxxii., 718-19-20.]

Now, the noble Lord had a right to change his opinion of Roman Catholic polity; but it was peculiarly unfortunate that his change of opinion should be the result of the Roman Catholics having adopted the very course which he himself recommended. But the Roman Catholic Prelates had not adopted the titles of existing sees, with one exception. If, therefore, the Government had made a hostile demonstration against the Pope, Europe would have asked whether the Roman Pontiff had not been encouraged to do what he had done by speeches of eminent men delivered in high places, and, above all, whether the English Government, by refusing to have diplomatic relations with Rome, had not distinctly shown that it expected the Pope to take the step he had adopted, without its previous knowledge and sanction. This country ignored the Pope, and the Pope ignored us; and, after putting ourselves in this position, it would not do for us to turn round upon the Pope *vi et armis*, and demand satisfaction for what we called an insult. The right hon. Secretary for the Home Department, in moving the second reading of the Bill, said that his hopes, after all, rested not on legislation such as this, not on acts of the Government, but on the conduct of the people of England. In that he heartily concurred with the right hon. Baronet, and believed their real hope lay in measures far different, in the hands both of the Government and of the people. But the right hon. Baronet also said that the present measure was in the nature of a protest and declaration against Papal aggression. If it were so, why not honestly bring forward a protest and declaration? Why pretend to legislate, when you are only protesting and declaring. See into what inextricable confusion the Government had already got! They had struck out the second, third, and fourth clauses of their Bill for the very same reasons which should compel them to strike out the first also—the preamble was insufficient, the title inaccurate, and, if the hon. Member for West Surrey should succeed in carrying his Amendment, Ministers would be obliged to vote against the third reading of their own measure. Ministers had brought themselves into this difficulty. The position would have been a difficult one for any Government; but Ministers had superadded to their difficulties by endeavouring at once to satisfy their Protestant supporters, and to avoid offending their Roman Catholic followers. The result was, that they had pleased neither party. All the grounds they laid for the Bill were foreign to it. They said that it was not intended to interfere with the voluntary action of the Roman Catholic Church; they admitted that the Roman Catholic was an Episcopal Church; yet they would not allow the Roman Catholics to have bishops. People in England confused bishoprics with titles, but they were not more so than rectories and curacies; so that if you suppressed one order of priesthood, you might, for the same reason, suppress any other. Because we were accustomed to see bishops sitting in the other House with titles and baronies, we had an abstract idea of a bishop with 5,000*l.* a year, and great temporal advantages. If we had happened to have an episcopal dissenting body in this country, the distinction would have been quite clear; and if the Pope had called his bishops "overseers," which was the same word as the original, so complete was our slavery to words, and so accustomed were we to mistake form for substance, that he verily believed no notice would have been taken of the proceeding. The real gist of the case, however, was, that the Roman Catholic hierarchy derived their titles from a foreign sovereign. Then why not legislate on that. They said they wanted to strike a blow at the Pope. Did they? No; but they strike a blow at the English Roman Catholics. He admitted that it was not easy to legislate against a foreign sovereign; but in this particular instance, they had the means of doing so, for it is admitted that the circulation of the Pope's bull without leave given, is an invasion of the *jus regali*. He sympathised with the noble Lord in this matter, because the people of England expected from him impossibilities. The people of England objected to persecution. Persecution was a great weapon if they intended to put down religious opinions; but in modern days the people were too squeamish for that. And he believed he might likewise say that the people of England had of late years become far better imbued with the true spirit of the gospel than to tolerate the enactment of any penal laws, for the sake of putting down particular religious opinions. But whilst they would not allow the Government to persecute, they would not allow the Roman Catholics the full benefit of the voluntary system. A great deal had been said about the dangers attendant upon the full development of the Roman Catholic religion. It would be exceedingly difficult to legislate against or coerce a body of men sent into this country by a foreign Power, and the people of England said, the Government must have no communication whatever with the Pope. No attempt must be made to enter into any arrangements which would lead to the ecclesiastical arrangements of Rome being submitted to the veto of our Government. The moment any attempt of that sort was made, the people of this country cried out, "Touch not the unclean thing." Well, then, what was the Government to do? They asked them to do that which was not possible, and when the country began to understand the real nature of the danger, they would see the difficulty in which the Government was placed. By the introduction of this trumpery measure, they did not provide a remedy to the evil of which they complained, while they engendered hostility on the part of the Roman Catholics. But this Bill did more, it bestowed on those men on whom they proposed to inflict penalties, all the prestige of martyrs, without the advantages to be derived to the State by persecution. He could fancy nothing so fatal as a sham persecution. Why, if hypocrisy is the homage which vice pays to virtue, this Bill reverses that dictum, for it is the homage which virtue pays to vice. It is affecting to persecute when you do not. The result was, that the only thing Ministers dreaded was lest the Bill they had brought before the House should really prove operative. The experiment had been tried, however, and its futility proved. The Attorney General had never ventured to prosecute under the Act of 1829—not even if John Tuam signed his name to an inflammatory letter. When the hon. and learned Solicitor General rose last night, it was expected that he would throw some light on the subject, because he was one of the law officers of the Crown whom the noble Lord at the head of the Government said, in his famous letter, he would apply to in order to ascertain whether what had been done was illegal. He knew not what answer the hon. and learned Gentleman gave to the noble Lord; but he told the House last night that the Pope's act was an invasion of the Queen's supremacy. Why, every person claiming spiritual supremacy over a class of his fellow-subjects not professing the religion by law established, trenches on the Royal supremacy: every dissenting minister who rules over his church is liable to the same accusation, but we do not think it wise or just to interfere. The hon. and learned Gentleman also told the House that an outrage had been committed upon the independence of the country. Then, why was not that met by a diplomatic remonstrance, or by a prosecution? He added that the Pope's brief was a violation of the law and constitution of England. If so, why did he not take measures to resist it? Why did he not first apply the Act of 1829, which was ready to his hand? The Pope had appointed a Bishop of St. David's, in direct violation of the Act of 1829; and why had the Government not enforced that Act, and punished that assumption? No; it was plain that the present Act was not intended to be carried out—that it was passed to satisfy the feeling of the country, and to deceive it. But the Government had, he believed, mistaken the nature of the feeling that had animated the people of this country. They talked of introducing this Bill as the protest of the people of England. It might have been necessary to give the most solemn expression to the feelings of the people of the country in an Address to the Queen from both Houses of Parliament. But the real and great protest of the people of England against the Papal aggression was in the meetings that pervaded the whole of the country—in the thousand addresses that had been sent up signed by a million of persons. The people of England did not want, at these meetings, that the bishop of one place should be compelled to call himself by the name of another. No; what these parties meant by their demonstrations was that the Roman Catholic faith was making great progress, and that they desired to see some steps taken to arrest it. But that was a religious question, and not a political one. The people did not see the distinction; but they, the House of Commons, which was better informed, did, and ought to have led the public feeling into better channels. It was a remarkable thing that almost all these addresses deprecated the enactment of penal laws, and expressed the adhesion to the principles of toleration of those who agreed to them. He thought he could show that it was a religious rather than a political movement on the part of the people of England by this test. It was said that the act of the Pope was objectionable as the act of a foreign sovereign. But suppose the brief had been issued three months before, when the Pope was in exile at Portici, and when he was not a foreign sovereign, or suppose that owing to the withdrawal of the French bayonets, the Pope—whose civil government, like that of his Italian neighbours, was a disgrace to the present century — were at this moment expelled from his dominions. Suppose that, like all other deposed sovereigns and distinguished refugees, he had come to reside in Brook-street—would the objection to this hierarchy have been removed? No. The question at these meetings was a religious, not a political, one. The feeling of the people of England was that of attachment to the reformed faith; they objected to the doctrines of the Romish Church as unscriptural and erroneous; and it was an anxiety to see their own faith prosper and its tenets spread, which had led to this great expression of their feelings. But the right hon. Baronet the Secretary of State for the Home Department rightly told the House that these doctrines must be met in a far different manner. They could not fight opinion by Acts of Parliament: that they might depend on. You have tried it for 200 years in Ireland, and at the end of that time you had converted the Irish Roman Catholics into determined opponents. They had decimated the Roman Catholic gentry. The men whom they had left ignorant became the prey of the priesthood, and then the Government found it more difficult to govern Ireland than when they began, and were compelled to yield to fear what they had denied to justice. Were they going to take a retrograde step towards that system? This measure will neither repress one party nor satisfy the other. They could not amend it because it dealt with the question upon the wrong principle. They had got into a wrong groove, and until they got out of it they could not deal with the question rightly. If they wished to deal with the Pope—if they wished to prevent him from sending ecclesiastics to Ireland who were not chosen by the clergy, and who were unacquainted with the wants and habits of the people—if they thought it dangerous that the Pope's bulls should circulate in England, why did they not legislate, not against the Roman Catholic body, or against the Church they had established, but against the foreign potentate who sent these missives? Why not follow the established law which prevailed in other countries? Why did they allow these bulls to pass through the country without going through the hands of the Government, according to the practice which prevailed throughout the whole of Europe? Mr. Pitt had proposed that the State should pay the Roman Catholic clergy; but whether he was right in that proposal or not, the time for such a measure had gone by; but the Government could still remind the Pope that they were offering great advantages to the Roman Catholic Church in this country. They might tell him of the 30,000*l.* a year voted to Maynooth; of the laws of mortmain repealed in order that bequests might be made for the sustentation of his priesthood in Ireland, and rendering them more independent of the peasantry over whom they are placed; and they might then require terms which should be binding between them. Such representations might have their effect; but anything was better than to keep up a petty warfare, in which, while the Papal power was not diminished, the Roman Catholics in this country were the principal sufferers. The Roman Catholic gentry in Ireland were rapidly recovering their former position, and becoming proprietors of the soil. They had members at the bar who were acquiring position and fortune by their talents; and the policy of the Government ought to be to place them in the same position as the gentry of England, so that they might become the friends of order and the adherents of the Government rather than its constant foes. The Government should have taken a large view of this measure; they had lost support by bringing forward a small one. He would not now allude to the proposition for the repeal of the Mortmain Act or the proposition of religious houses; both topics being well worthy of discussion. It was true that in England the Roman Catholic faith had made considerable progress, though the whole number of its adherents in these islands was not so great as in 1841; but that was owing to other causes. Yet, in England many conversions had taken place, but which were still greatly over-rated. There had been clergymen tempted by the great authority offered to them in the Church of Rome—others had been beguiled by the love of gorgeous ceremonials, such as our simple and solemn ritual could not afford them. He regretted this, but we ought not to overrate the numbers of those who had left the Church of England; and if any thought there was danger to that Church from recent circumstances, let them look at the expression of feeling in England, and ask themselves if at any time since the Reformation there had been so much determination shown to adhere to the scriptural purity of the reformed faith as existed at this moment? He did not believe there was the least fear of any great increase of the Roman Catholic body. He thought that the doctrines of the Church of Rome were foreign to the genius of the English people. He could not believe that the doctrines of that Church could prevail in a country where free institutions left the people in the unrestrained exercise of free religious opinions. The *Index Expurgatorius* had been referred to by the noble Lord at the head of the Government, who had reminded the House that *Scapula's Lexicon* was one of the prohibited books. Such an index would eliminate from English literature all our divinity, and some of our greatest poets and historians. Nothing was too large or too small for the prohibitions of the Romish Church, as if mankind were children in nurseries, to be kept from all mental food. All our writers on natural theology and on the evidences of Christianity were excluded—even Bishop Bull, whom in their own internal controversies they had not unfrequently quoted. So of political economy—Jeremy Bentham was forbidden; so were *Hume's Essays*. In history not even Hume with Stuart leanings; nor Goldsmith, nor Robertson, nor Hallam, were tolerated. In science, even *Chambers's Dictionary of Science and Arts*, was prohibited. So was *Locke on the Understanding;* and of course Descartes; so was Milton. He even found in the list a Clapham Tract, which at first he did not recognise under its Italian title, *La Figlia del Lattais*, but which he afterwards found was a little tract called the *Dairyman's Daughter*. He admitted that Roman Catholics in this country did not probably sort their libraries according to that index. There was a wide distinction between England and Italy. Any religion which entered into those minute details, and sought to regulate the whole action of our temporal affairs, was essentially unsuitable to the genius of the English people. The Protestants of England feared not those books—they relied upon the truth of their faith, and were not afraid to expose their creed to the light of day, for it would bear the light. We are willing to meet our opponents of any other creed in the fair field of controversy, but we do not want to manacle them first and fight them after—we do not want to interfere by enactments with their creed, restraining its operation, discipline, and organisation, and then ask them to argue with us as to the superiority of the respective faiths. It was well observed by Burke that—

> "It was long before the spirit of true piety and true wisdom, involved in the principles of the Reformation, could be depurated from the dregs and feculence of the contention with which it was carried through. However, until this be done, the Reformation is not complete; and those who think themselves good Protestants from their animosity to others, are in that respect no Protestants at all."

Magna est veritas et prævalebit! He wished to see the Government and people of this country scorn to lean for their defence against Rome upon the crutches of a defective Act of Parliament. He wished to see them confide more in the purity of our faith, in our free institutions, and in their adaptability to the people. They should seek to meet these Romish aggressions by the spread of our Gospel principles, by the diffusion of education, by letting in light where there had been darkness, and then trust in Almighty God for the result.

VISCOUNT PALMERSTON said, he must crave the indulgence of the House for a few moments; but as the time at which he rose was the time at which they usually separated for the night, he would take care he did not encroach too much on their attention. There was, indeed, a great part of the speech they had just heard from the right hon. Gentleman, which belonged more properly to the Committee than to the present stage of the discussion; and there were some parts which he thought it would be better to leave for the further consideration of the right hon. Gentleman, who, perhaps, by the time the Bill will have got into Committee, will have settled some question which at present appeared to be undetermined in his own mind. First, what he would do, objecting, as he did, to what the Government had proposed; and next, perhaps, he might come to a decision as to whether the Bill to which he objected was a nullity or a persecution. For his part he would freely confess that he never remembered, since he had had the honour of a seat in that House, any discussion that had been so painful to the mind as that in which they were then engaged. He had hoped that when the disabilities were removed in the first place from the Dissenters, and afterwards from the Roman Catholics, that discussions and controversies on religious questions would never again be heard within the walls of Parliament. He had hoped that when they had established, not what Gentlemen called toleration—for he, like others, repudiated that word, and said that the principle that was established was not the principle of religious toleration, but the greater principle of religious freedom—he had hoped, he said, that when that principle of religious freedom had been fairly established by the Legislature of the country, those odious controversies with regard to religious doctrines would never again be heard within the walls of Parliament. But whose fault was it that they were? Was it our fault? It was not. We were brought to them by an act of aggression by a foreign authority—an aggression of a political character, and in that respect only would he address himself to it—an aggression on the independent sovereignty of the country, which he held it was our bounden duty to repel. He said the aggression was by a foreign authority. His right hon. Friend had drawn a broad distinction between a foreign sovereign such as the Pope, who he said was only partially a foreign sovereign, and other princes, and said that the measure might have proceeded from the Pope when he had been driven from his throne, and lodging in Brook-street; but he (Lord Palmerston) said that still the Pope would have been a foreign authority; and it was because it was the act of a foreign authority that he objected to the power the Pope had attempted to exercise in the realm of England. But it was said that this act was partly the fault of the Government; that certain indulgences had been shown to the Catholic episcopacy of Ireland; that certain courtesies had been shown to the priesthood of Ireland, and certain opinions had been expressed in debates in Parliament; and that all those things, and, moreover, the silence of his noble Friend three years ago at Rome, when a supposed paper was shown to him, and he was said to have been told "that that regarded England," and that after those things they had no right to be surprised at what the Pope had done, because he was sufficiently borne out and encouraged in his expectations that they would meet it with indifference. He did not think those grounds were sufficient to justify the act. Either the Pope thought the measures he attempted to adopt would be agreeable or not at least disagreeable to the Government, and the people of this country; or he would not care whether they were agreeable or disagreeable to the Government and the people. If he attached any value to the circumstance that his measures would be acquiesced in by this country, why did he not in the three years that elapsed since the supposed conversation with his noble Friend, and the period anterior to the publication of this bull and pastoral letters—why did he not take those steps that were in his power, to ascertain what was the opinion of the Government and of the people of England? Where was Dr. Wiseman? Was he not in England? Had he no opportunities of seeking a personal interview with his noble Friend at the head of the Government, and ascertaining positively and beyond doubt and dispute, whether the measure the Pope contemplated, and of which he was conscious and aware, would or would not give offence to the Government and the people of this country? And therefore, he (Lord Palmerston) contended that as that course of proceeding had been studiously omitted, it was impossible for either the Papal authorities or those who advocated their cause to shelter themselves under the pretext that things had taken place to justify the Papal Government in supposing that the step it was taking would not be offensive to the Government and people of this country. Well, then, this being an aggression of a foreign authority, what was the authority by which that aggression was made? It was an authority of an ecclesiastical nature, which had a double action on the minds of men. He entered not into the question of the simple theological difference between the Protestant and Catholic Church. With that they had nothing at present to do. He was sincerely attached to the Protestant Church, and while he respected the difference of opinion of his Catholic brethren—and far be it from him to utter one syllable that would be painful to their religious feelings—he must say that the Catholic Church had another aspect: it was not merely a theological body, but was a political and temporal body also. The character of the Catholic Church was not merely contradistinguished from, but exceeded all others in its encroachments on the temporal power. Churches were corporate bodies, and corporate bodies were naturally encroaching; but there was this difference between the Catholic Church and the Church of England: the latter was a British church—having its beginning and end within this realm. The Church of Rome sprang from a foreign centre, and had for its head a foreign Sovereign, and endeavoured to spread its authority in an ever-widening circle over the whole Christian world. But what was the action of that Church? what was its temporal and and political action? Look at those countries in which the Catholic Church was predominant: Look at Portugal—look at Spain—and look at Italy. Look also, he was concerned to say, at Austria. They would find that wherever the Catholic Church was allowed to seize hold of temporal authority, that there its influence was painfully exercised over the temporal and political interests of the nation. Then, he said, that some measure was rendered necessary by the course the Papal Government had adopted—that it was necessary to satisfy the feelings of the country. He thought that no man who had his eyes and ears open during the last few months could for a moment dispute. He knew it had been said that they wished to keep up a delusion, that the agitation of this country was a partial agitation, the agitation of interested men, and was not at all the spontaneous feeling of the English nation. That was a statement it was not worth while to refute. Whatever might be his opinion on the merits of the Bill, or on the necessity of doing anything, no man who knew what had been passing in this country could entertain the slightest doubt, or dare to deny, that that agitation was a movement of the whole Protestant body of the country; and he said, that while he treated with respect and deference the opinions of those who differed from him on religious questions, yet, as attached to the British constitution, and the liberty and freedom of thought and action which belonged to that constitution, he should be sorry indeed that anything should take place that should shake the political Protestant Establishment of the kingdom in which he had the happiness to live. Then he said, that the voice of the people of England required that something should be done. His right hon. Friend said, that what the Government had proposed was not the proper thing to do. If he could understand at all the vague suggestions of his right hon. Friend, he should infer that what he would have proposed would have been to have entered into some negotiation with the Court of Rome. His right hon. Friend said, he thought it was absurd to legislate against our own subjects. He (Lord Palmerston) presumed that his right hon. Friend did not mean that they were to legislate against the Pope; for if he thought our laws would not be obeyed by ourselves, surely he could not imagine they would have much force with the Pope. His right hon. Friend very properly repudiated the idea that had been thrown out by some that they ought to have sent a hostile force to Civita Vecchia. He agreed with his right hon. Friend that Papal bulls were not properly met by cannon balls. He was quite of his right hon. Friend's opinion that that was not a course fitting for this country to pursue, or likely to lead to any satisfactory result. But then he said he thought it would be unbecoming in this country to meet an act of unprovoked aggression by sending an envoy to sue conditions from the Bishop of Rome. He thought the dignified and proper course for this country to take was to legislate for itself, and not to go to the Pope and say, "You have done that which has been a great affront. You have done that which we look upon as a great violation of our national independence, and an infringement on the sovereignty of the Queen, and therefore we come to you cap in hand to do something — either to retract what you have done, or to modify it in some degree." Of course our suit would have been rejected, and in what a humiliating position should we have stood under such circumstances? He was quite ready to admit that it would have been very inconsistent with the course which either the Members of the Government or the majority of the Legislature had pursued if they had proposed to Parliament anything that would have justified its being called a penal or persecuting enactment. He must, in passing, say, however, that when he saw the letters and declarations emanating from Roman Catholic ecclesiastics setting up the cry of fanaticism, and persecution, and intolerance, and looked to the course of proceeding in regard to toleration that prevailed in countries where the Romish priesthood were dominant, he felt tempted to exclaim, *Quis tulerit Gracchos!* The words "persecution and intolerance" were surely words that Catholic Prelates ought most studiously to eschew. But he, for one, never would consent to be a party to what was properly called a penal enactment; and he utterly denied that the Bill now proposed deserved in any sense whatever to be so stigmatised. In point of fact, it was merely a complement of the measure which removed from the Catholic people of England the disabilities under which they laboured. The Bill of 1829 prohibited Catholic Prelates from taking the titles of sees, or of any diocese or province which belonged to the English Establishment. Whether by accident or not, it omitted to extend that prohibition to other places in the realm. But was the law considered as a mere protection for the English Church? He would not accept it on so limited a ground as that. He held held that the law of 1829 was to be a defence of the sovereign rights of the country; and it was to be defended, and justly, on the ground that they would not permit a foreign authority out of the United Kingdom to give to any person titles derived from any place within the United Kingdom. He contended, therefore, that the Bill now before the House was in principle precisely the same as the Act of 1829, and that it made good the gap that was left in that Act; and he was extremely surprised that any persons who were parties to that Act, whether the proposers or supporters of it, should on principle object to the measure the Government had now proposed. The Bill they proposed was, in its principle, exactly on the same ground as the measure which formed part of the arrangements of the Emancipation Act; and he contended, further, that being on the same ground as that measure, it could not be justly deemed as partaking in any degree of a penal or persecuting character. It was said the Roman Catholic Church required officers of the rank of bishops; but for 250 years the Roman Catholic Church in this country had gone on with vicars-apostolic, and he had heard in the course of this debate no satisfactory reason why with vicars-apostolic it might not still go on as heretofore. He contended, upon these various grounds, that the measure that was now proposed applied directly to the evils for which a remedy was demanded; he contended that it imposed no restriction on the Roman Catholic hierarchy in this country which was inconsistent with the performance of their sacred duty; and to those who said they thought the measure, if passed, would be inoperative, would be of no effect, would not be obeyed, he would reply that he wholly differed from them in that opinion; he considered that if, on the one hand, it was a peculiar characteristic of the Church of Rome to be aggressive and encroaching, on the other hand, it was also characteristic of that Church to be obedient to laws, to respect enactments, and to make its aggressions and its encroachments under the law without openly violating the laws of the land in which it was operating. Judging from past experience of the Irish Roman Catholics, he did not contemplate that this measure, if passed into a law, would be disobeyed by the Roman Catholic bishops of this country. He believed, too, that the measure would meet the general feeling of the British people; and it was not to be forgotten that there was nothing in the measure to preclude the Legislature from taking further steps, if further steps were required, which he earnestly hoped would never be the case. He thought the measure adequate to meet the evils complained of.

Mr. NEWDEGATE moved the adjournment of the debate.

Debate further adjourned till Thursday.

The House adjourned at half - after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, March 19, 1851.

Minutes.] Public Bills. — 1ª Consolidated Fund (£8,000,000); Enfranchisement of Copyholds.
2ª Sunday Trading Prevention.

HOPS BILL.

Order for Second Reading read.

Mr. FREWEN, in moving the Second Reading of the Hops Bill, said, he was quite aware, and had anticipated from the first, that strong opposition would be raised in the county of Kent to the passing of this measure. But he must say that the conduct of the Kent planters was not altogether consistent, inasmuch as they had over and over again been to the right hon. Baronet the Chancellor of the Exchequer to urge upon him the reduction of the excise duty upon hops; but the moment a Bill was brought in which proposed to reduce the duty, at once they opposed it, because it made an alteration in an Act of Parliament the effect of which was to give them almost a monopoly of the hop market. He ought in fairness to tell the House that yesterday he received a communication from a committee of hop-planters, who met at Staplehurst, a very central place in Kent, on Monday last, urging upon him not to proceed with this Bill; and in looking carefully over the names of the gentlemen who attended that meeting, he found that of the thirteen planters present, only three were from Sussex—one of these was certainly a very large planter; another was not so large; and the third was a very small planter. The answer which he (Mr. Frewen) returned to those gentlemen was, that, as he had been entrusted with various petitions from Sussex, signed by some of the largest and most influential landowners in that county, and also most numerously and respectably signed by hop-planters, praying that the Bill might pass into a law, it was his intention certainly to proceed with it. He did not intend to enter into any discussion of the excise duty on hops upon the present occasion, because that was a question which would have to be considered hereafter; but, at the same time, he felt that he ought to allude to it to a certain extent. The original excise duty upon hops was imposed in the early part of the last century; and at the period of the war, in the early part of the present century, it was increased to double its former amount, in order to assist in meeting the exigencies of the war; and up to this day it had never been modified. It was the only tax, he believed, which had not been either repealed or modified since the close of the war in 1815, and the only tax which was levied upon an article grown out of doors. And seeing that the legislation of the last few years had had serious and injurious effects upon the hop-planters, he thought it was no more than justice now to grant them some relief. He held in his hand a return moved for by his hon. Friend the Member for West Kent, and laid upon the table of the House only a few days ago, of the number of acres of hops under cultivation for several years past, and of the amount of duty paid thereon. And he wished to draw the attention of the House to this return, because it showed to what extent the pressure upon the hopgrower had reduced the cultivation of hops. By that return he found that the total number of acres under cultivation in the kingdom, in the year 1837, was 56,322; and that last year it was reduced to 43,125, or by more than 13,000. Now, this reduction had taken place chiefly in Sussex and Herefordshire; in the latter county the acreage of hop cultivation being reduced from 10,603 in 1837 to 5,125 in 1850, and in Sussex from 12,068 in 1837 to 9,718 in 1850. In Lincolnshire the amount had been reduced from 607 in 1837 to 260 in 1850; in Essex, from 325 in 1837 to 161 in 1850. In Wiltshire (about Salisbury) from 1,222 in 1837 to 5 in 1850; and in Worcestershire, from 1,888 to 1,031. These large reductions were, he thought, owing entirely to the legislative measures passed within the last few years. For instance, by the altered tariff of 1842 the duty was entirely removed from quassia, the immediate effect of which measure was to encourage the country brewers to substitute quassia for hops in the manufacture of their beer; and by the tariff of 1846 the protective duty upon foreign hops was reduced to the extent of nearly one-fourth of the previous amount, namely, from 8*l*. 11*s*. to 2*l*. 5*s*. Foreign hops now paid quite a nominal duty; in point of fact, the duty was no protection at all on Sussex hops, and that being the case, he thought he had only done justice in asking Parliament to take off the additional duty which, in consequence of the war, was imposed upon home-grown hops. As the House would not, however, be called upon to decide that point in the present stage of the Bill, because it was a question which must be considered hereafter in a Committee of the whole House, he would now direct attention to the main features of the Bill, the second reading of which he now proposed. He contended that the Act of 1814, entitled "An Act to prevent Frauds and Abuses in the Sale of Hops," had operated unjustly to Sussex and other hop-growing counties; and, so far from preventing, had, to a certain extent, only encouraged fraud and abuse. By that Act samples of hops for the market were obliged to be marked with the name of the grower, and of the parish and county in which they were grown; and the effect of this regulation was to encourage a preference for one particular description of hops at the expense of others. As an illustration of the injustice with which the Act had operated, he might mention the circumstance that there were hop plantations which were so situated as to stand in both the counties of Kent and Sussex. All the hops taken off those farms were dried in the same oasthouse. They were all mixed up together, without any regard to the county in which they were grown, and as the pockets were filled they were stamped alternately "Kent" and "Sussex." What followed? Why, that upon being taken into the market, the pockets stamped "Kent" invariably sold at 10*s*. or 12*s*. a cwt. more than those stamped "Sussex," although they were in point of fact one and the same article. The law was also evaded by factors purchasing Sussex hops, and stamping the word "Kent," upon the pockets, and then selling them at an advance of 12*s*. the cwt. Now, he (Mr. Frewen) insisted that hops ought to be bought and sold in the market according to their quality and value, and not because they were produced at Farnham, or in Kent. If a planter in any other county could, by the application of his capital and skill, produce a good sample, there was no reason whatever why he should not receive a fair price for it, whilst, if he produced a bad sample, there was no reason on the other hand why he should not get a less price for it. He was anxious to see the principle carried out which was in general operation in all commercial transactions; and if the public could be protected against fraud, which he contended they would be under the provisions of this Bill (by repealing the regulation which required the name of the parish and county where the hops were grown to be stamped upon the hop pockets), that was all they required. If the House agreed to the second reading of the Bill, and should hereafter decide to leave it optional whether the name of the parish and county should be stamped upon the bags or not, he was quite ready to modify the Bill to meet that view of the question.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. DEEDES said, he had listened with much curiosity to ascertain upon what grounds his hon. Friend had introduced this Bill to the House. His hon. Friend had told them candidly that he expected considerable opposition from Kent, and he (Mr. Deedes) could assure his hon. Friend that he would not find himself disappointed; that the ranks of the opponents of the Bill would be greatly augmented by hon. Members from other counties also; and that in the result he would see that all who were engaged in the hop trade, as well as the growers themselves, were decidedly hostile to the principle of the Bill. It was very evident to him (Mr. Deedes) that the object of the Bill was to benefit the Sussex at the expense of the Kentish hop-planters; and it struck him as a singular coincidence, that there should appear in a morning journal of considerable circulation and influence — the *Morning Herald* of yesterday — a leading article upon the subject, in which the reduction of the duty was put forward as the principal reason for agreeing to a Bill the real object of which was to place the hops of the different hop-growing counties on one common level. Thus had it been handled by the journal to which he alluded, and thus had it been treated by the hon. Member to-day. His hon. Friend had complained of the inconsistency of the Kent planters in opposing the Bill, because since Parliament met they had gone to the right hon. Gentleman the Chancellor of the Exchequer to ask for a reduction of a portion of the excise duty on hops. Upon that point he might say that he wished the Members of this House knew more than they did generally of the hardship of that duty upon the hop-growers of the kingdom; for if they did he thought such an extraordinary duty would no longer be permitted to exist. It was a war duty of a most oppressive nature. It entirely differed from every other excise duty now in force—and therefore the hop-planters of Kent opposed it. But his hon. Friend had no right to charge them with inconsistency upon that ground. The truth was, that his hon. Friend had come before the House and mixed up two questions, which were utterly unconnected the one with the other, and had thus forced upon the Kent planters the necessity of opposing him. If his hon. Friend had adopted a proper course, he would have placed upon the notice paper a Resolution for a Committee of the whole House to consider the question of a reduction of the duty; then he would have found the Members for Kent, and all who were interested in the cultivation of hops, giving him their cordial assistance. But because he had done that which, in point of fact, amounted to nothing, and introduced clauses in the Bill which were not, *ipso facto*, part of the Bill, he had no right to accuse them of inconsistency in not going the full length of the Bill. His hon. Friend had stated that the county of Kent possessed an unfair advantage in the market, and that the practice of stamping the name of the grower and of the locality in which the hops were grown, operated as a fraud, and deceived the purchasers of hops by imposing upon them an inferior article. Now he thought his hon. Friend was bound to show the real cases of fraud which were required to be put an end to; but had he done so? No; he had simply stated that cases of fraud had occurred; and he (Mr. Deedes) now asked him, if hops were sent to market without a distinctive mark—he (Mr. Frewen) acknowledging that there was a material difference in the quality of the article—whether the temptation to fraud would not be thereby greatly increased? For his part, he had no doubt that that would be the case. He said, therefore, let the produce be sold for what it was worth by all means; but do let the grower have the opportunity of proclaiming what the article was which he offered for sale. The object of the Bill was to amend the 54th George III., intituled "An Act to amend an Act of the 39th and 40th Years of his present Majesty, to prevent Frauds and Abuses in the Trade of Hops;" and he contended that it was incumbent upon his hon. Friend to prove that a vast amount of fraud had arisen under the operation of that Act. In his opinion, the Act had worked uncommonly well, and given to the public the opportunity of judging fairly of the quality of the article, and of purchasing it at the proper market price, without having foisted upon them an inferior for a superior article. With these views, therefore, he should move as an Amendment that the Bill be read a Second Time that day Six Months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question?"

MR. H. DRUMMOND seconded the Amendment, and said that he would in a few words endeavour to explain the meaning of the Bill. Everybody knew that the Farnham hops were the best in England; everybody knew also that the Sussex hops were the worst; and the object of the Bill was to create such a mystification between the Kent, Worcester, and Sussex hops that the public might be deceived, and buy bad Sussex for good Farnham. He could not say that any great complaint was to be made of the hon. Member for East Sussex in bringing forward this Bill. The hon. Gentleman might be anxious, in the prospect of a general election, to get up a little political capital; but he (Mr. Drummond) must object to the public being called upon to supply that capital, and this was, in his opinion, a sufficient reason for rejecting the Bill.

MR. FULLER said, that, finding such an opposition to the Bill, he would recommend his hon. Colleague to withdraw it; but if he went to a division, he (Mr. Fuller) must vote with him. He could assure the right hon. Gentleman the Chancellor of the Exchequer that great distress prevailed amongst the hop-planters and agriculturists of Sussex, and he trusted the right hon. Gentleman would, in his amended budget, propose a reduction of the malt tax to the extent of at least 10*s*. a quarter, and of a penny per pound on hops. A measure of that sort would be received as a boon, and hailed with gratitude throughout the whole country. At the same time, he begged to intimate that the right hon. Gentleman's proposal to remit the duty on cloverseeds would operate most injuriously to the small farmers of Sussex, as the reduction of that duty a few years ago had already proved a serious injury to the Weald of that county.

MR. BASS opposed the Bill as one of a mischievous character. He knew of no article in testing the quality of which so little reliance was to be placed upon appearance, touch, and smell, as the article of hops. It was often the case that hops which appeared to be the best were of comparatively little value; and so difficult was it to determine their real value until they were in the copper, that he believed there were a great number of brewers who were no judges of hops, and very many merchants who knew nothing whatever upon the subject. That being the case, the House would at once see how desirable it was that the purchaser and consumer of hops should have the means of obtaining the particular description of hops which they were desirous of having for their specific purposes. Hops of the same appearance, grown upon different soils, and in different climates, produced the most opposite results. It was, therefore, absolutely necessary to know in what county and parish the hops were grown. The name alone was not sufficient for this purpose, for, in looking through the hop-growers of Kent and Sussex, he found that there were no less than thirty-five growers of the name of Smith, and that of these there were eight or ten "John Smiths" all of a row. Now the hops of one John Smith might be worth 6*l*. or 7*l*. a cwt., whilst those of another John Smith he would not have if they were given to him. A continuance of the present law was as necessary for the grower as the consumer, and he believed the Bill of the hon. Member for East Sussex would not only not prevent fraud, but greatly encourage it.

MR. PLUMPTRE should also vote against the Bill. He could only regard it as a Bill for the encouragement of trickery. He should have no objection to a reduction of duty, but he could not support a Bill that gave direct encouragement to deception.

MR. T. L. HODGES said, that previous to the establishment of the system now in force under the statute, the Farnham hops were not very celebrated; but when they had come to be distinguished by the operation of the Act of Parliament from other growths, they had been greatly improved, and the growers had therefore every reason to be satisfied with the present system, from any alteration in which they did not anticipate advantage.

The CHANCELLOR OF THE EXCHE-

QUER said, it was not necessary for him to say much as to the character of such a proposition as the present, since that had been already broadly stated by the Seconder of the Amendment; and other hon. Members very fairly complained that the effect of the measure would be to enable certain hop-growers to cheat their rivals ; but he thought that he himself had some reason to complain of a portion of the Bill, which had reference to the duty payable upon hops. The hon. Member for East Sussex got leave to introduce his Bill at 12 o'clock at night; and, under a title which gave no reason to suspect anything of the sort, a Bill was brought in for repealing 200,000*l*. of the hop duties, which amounted to one-half of the revenue collected from that article. The effect of that would be to put money into the pockets of persons who did not appear to him to possess any especial claim to such an advantage. In fact, it would put 200,000*l*. into the pockets of the growers, and not into the pockets of the purchasers. It was not quite the way of legislating on such a subject, to introduce a Bill under such a title, and include in it a clause, discovered only by accident, for repealing one-half of the duty. He had no doubt that his hon. Friend opposite would be the last person in the House to take an unfair advantage; but practically the effect of the Bill would be, not only to put an end to the existing system of marking, but to reduce the system one-half. He would not go into the question of a reduction of the hop duty then ; it might be a fair subject for discussion, and when properly brought before the House, he should be quite ready to express his opinion : and if the hon. Gentleman did not think it advisable to adopt the recommendation of his Seconder, and withdraw the Bill, he hoped the House would negative it.

MR. CURTEIS said, that the right hon. Gentleman the Chancellor of the Exchequer had said this was not the right time for bringing forward a proposal to remit some portion of the hop duty. If this was not the right time, he knew not when the right time would be ; for now there was almost an impossibility of obtaining rents. If the Government did nothing, they would be still more out of favour than they were already in the hop-growing districts. Believing that the Bill was brought forward to benefit the hop-growers, he should support it.

MR. FREWEN, in reply, repudiated the charge of unfairness which had been thrown out against him, and stated that the hop-growers in different parts of the country ought to be placed precisely in the same position as the growers of wheat. Each took his sample to market, and let each in like manner depend for his price upon the quality of his goods. There was no reason for showing more favour to one grower than to the other, and he should therefore, notwithstanding the taunt of seeking for popularity, persist with his Bill.

MR. A. B. HOPE was prepared to support the Bill, both for the words in it in roman letters and for those in italics, though of course the attention of the House at this stage was most directed to the former ones. The question affected practically the pockets, not only of hops, but of men ; and after the sham legislation in which the House had been for so many days engaged, he thought it might occupy itself a little in a measure of real practical relief. It was a great grievance that hops should be exempted from that universal rule of commerce—of common sense—*caveat emptor*. The effect of the present law was, that when the more meritorious man, who had contended against a bad soil, brought his hops into the market, he was subjected to a legal disadvantage compared with the man who had easily raised his on a good soil. To borrow the words of a speech of the right hon. Baronet the Member for Ripon on a former night, the rustic who had the cold clay soil of the Weald knew he was worse treated than any one, and he knew the reason why ; and no one who had lived in a hop district, or seen an adjudication of prizes for hops in any of the parishes, and seen the farmer eagerly canvassing the twenty or thirty odd yellow-brown packages, which, to the unlearned, looked all alike, could doubt but that buyers of hops could distinguish between good hops and bad hops, on seeing them. As to the second part of the Bill, all he could say was, that *rem, quocumque modo rem*, was the motto of Downing-street, and ought to be suspended on a hatchment over it, to teach impatient suitors what they were to expect.

The House divided :—Ayes 9 ; Noes 131 : Majority 122.

List of the AYES.

Brisco, M.
Cobbold, J. C.
Curteis, H. M.
Fuller, A. E.
Goold, W.
Gwyn, H.
Hollond, R.
Lacy, H. C.
Vane, Lord H.

TELLERS.

Frewen, C. H.
Hope, A.

Words added:—Main Question, as amended, put and agreed to:—Bill *put off* for six months.

SUNDAY TRADING PREVENTION BILL.

Order for Second Reading read.

MR. W. WILLIAMS said, that he had undertaken the charge of the Bill at the request of a large number of his constituents, who were Sunday traders, and who regarded Sunday trading as an evil of the greatest magnitude. It would be in the recollection of the House that last Session the House of Lords referred the subject to a Select Committee, before whom evidence was taken for and against any measure of interference with the practice; and in accordance, with the preponderating weight of evidence, their Lordships passed a Bill, which was sent down to this House so late in the Session that it was found inexpedient to go on with it. The present Bill did not introduce any new principle of legislation; for an Act was passed in the reign of Charles the Second containing far more stringent clauses than any in this Bill. The principle, however, was identical—the Act of Charles the Second declaring—

> "That no tradesman, artificer, workman, labourer, or any other person whatever, shall exercise any worldly labour, business, or work of ordinary calling on the Lord's day, works of necessity and charity excepted."

The provisions of the present measure were not so stringent, but they were intended to remedy defects in the provisions of the Act of Charles, the working of which had been entirely inoperative. The House would also recollect that a Committee of this House sat upon this subject in 1847, before whom voluminous evidence was given, and it was proved by a vast majority of witnesses that some legislative provision was desirable. In that feeling the tradesmen of every portion of the metropolis agreed, and he was not aware that it was much stronger in Lambeth than in the Tower Hamlets, and other parts of the metropolis. He knew it would be urged, in opposition to the Bill, that frequent instances occurred that wages were not paid until late on Saturday night, and on that account facilities must be afforded to buy necessaries on Sunday morning. Now the greatly preponderating weight of evidence established the fact, that in almost all cases wages were paid sufficiently early to enable the labouring population to go to market on Saturday night. In the evidence before the two Committees to which he had referred, it appeared that a large number of witnesses declared that higher prices were paid for necessaries on Sunday morning, than they could purchase them for on Saturday night. The proof of that fact was quite overwhelming, and it was further stated by one respectable tradesman, that he abstained from opening his shop on Sundays during the first eleven years he was in business; that owing to his neighbours, who did open on Sundays, taking away so large a portion of his trade, he was forced also to open on Sundays in self-defence; that the sales of provisions were at a higher price than he obtained on week days, and that higher price enabled him to undersell his neighbours, who did not open on Sundays, during the rest of the week. The general evidence went to the fact that it was of no benefit to the industrious classes to be able to make their purchases on Sunday mornings. Hon. Members perhaps would be surprised to hear that within a few hundred yards of that House 700 shops were open on Sunday morning, and that a large number were shops, not selling provisions and necessaries, but articles of every description. He thought it would be conceded that man was incapable physically, mentally, morally, and socially, of continual labour; and hon. Members must consider that men compelled to open their shops on Sundays were forced to the almost incessant labour of 365 days in the year. It had, in fact, been admitted by all civilised nations, from the earliest period, that suspension of labour was necessary for the well-being of man. In support of it he might quote the fact, that the most eminent commentators on the laws of Greece and Rome stated, that on their festive days labour was suspended, to give rest to the labourers and slaves. During the existence of slavery in our colonies, the slaves, by law, were not permitted to be worked on Sunday, which they enjoyed as a day of rest. In the United States, where slavery exists in its most hideous form, the slaves have Sunday for a day of rest. Since the limitation of time, the work in factories was better done, and as much in quantity, as that performed during the long-hour system. How much worse is the condition of the 15,000 to 20,000 assistants in the Sunday-trading shops. It was not his intention to go into any of the provisions of the measure, because he should be ready, immediately after the second reading, to refer the Bill to a Select Committee, fairly chosen to consider it. He had taken it up not as a volunteer, and he wished it had been placed in other hands. Amongst the evidence before the Lords' Committee, a journeyman in a large clothing establishment, stated that his employers opened on Sunday morning at seven o'clock with a display of all kinds of articles, and kept open whilst persons were going to church. A journeyman butcher stated that they commenced business at four o'clock on Saturday morning, and kept open until half-past twelve at night, and then again opened at seven o'clock on Sunday morning. A greengrocer stated that he commenced business at four o'clock on Saturday morning, and kept open until half-past twelve at night, and began again at seven on Sunday morning, and that was the general practice in the trade amongst the shops that opened on Sunday. Here were men compelled to work for twenty hours in one day, and he would ask what condition of slavery was more worthy their pity than that of men forced to such incessant toil by the hard necessity of the custom of the trade? However it might be shown that parties might be injured, the House must agree with him that some remedy ought to be applied. It was conceded by almost every one that no benefit was conferred on the general community, by marketing on the Sunday. He did not wish for any legislation to compel persons to go to church, though he should wish them to do so. He did not take this up as a religious question; all he wanted was that there should be a day of rest.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. BARING WALL should move that the Bill be read a second time that day six months. He thought that the hon. Member for Lambeth had avoided entering into any details explanatory of his Bill. After a lapse of 200 years, he thought the House would not be prepared to begin legislation anew against Sunday trading, unless the hon. Member who proposed it was able to bring forward some measure which would stand critical observation, and answer the purpose he had in view. It was an invidious position to object to a measure like the present; but what had fallen from the hon. Member would, if he mistook not, reconcile the country to the opposition to this Bill. The hon. Member said, "Refer this Bill to a Committee upstairs;" but he ought to have told the House what the Bill was before he asked them to agree to the second reading. The other evening the hon. and learned Member for Youghal asked the hon. Member whether the expenses attending upon this Bill were not paid by the vestry of Lambeth out of the parish rates? The hon. Gentleman replied, that he did not know that was the case. However that might be, the hon. Gentleman would find that in 1848 and 1849 a sum was paid for printing, in connexion with this subject, out of the poor-rates of the parish of St. Luke's, 10*l.* having been paid in one year, and 5*l.* in the next. This year, too, he was informed a resolution had been passed that a sum of money for this purpose should be paid out of the rates. These things ought to be known by the House, in order that they might understand how petitions in favour of such measures were manufactured, the petitioners being the gentlemen who sat in their arm-chairs, enjoying every luxury, able to shave and wash themselves at home, without being obliged to go to an obscure shop in the New-cut, where they could enjoy one of these operations at the cost of a halfpenny, while the other entailed an expense of 1*d.* The hon. Member who moved the second reading was so shy of alluding to his Bill, that he compelled him (Mr. B. Wall) to call the attention of the House to its clauses. In the first place, it was to apply only to the metropolis. Now, he said, if we were to have a law on Sunday trading, let it be a law for the whole country, and not for the metropolis alone. If the House should agree to go into Committee on this Bill, he should move in Committee to extend the Bill to the whole of England and Wales. The law of Charles II. was put in force oftener than the hon. Member supposed, for it appeared by a return for which he (Mr. B. Wall) had moved, that 140 or 150 convictions under that Act had taken place during the period of eighteen months over which that return extended. The hon. Member for Lambeth said, that no new principle of legislation was established by this Bill. He denied that, for the Bill contained the principle of cumulative penalties, which was an entirely new principle in Sunday legislation. In the case of barbers, this Bill was exceedingly hard. Under the present law, or rather the Act of Charles II., they could be fined no more than 20*s.* for a contravention of the Act; but by this Bill they could be fined up to 40*l.*

and for each offence. Then there was a provision with regard to the hawkers and dealers in oranges, and other perishable articles. This enactment would not provide against that evil. The boys and girls engaged in that occupation might, and no doubt would, lay aside their baskets; but they would have large pockets, in which they would keep their oranges; and when the police were out of sight, they would exhibit them in their hands. He begged to suggest to the Secretary of State, that carts employed in the street for the purpose of selling such perishable articles, should be registered in the same manner as coaches, omnibuses, and all public conveyances were. As regarded the religious aspect of the question, any act of the kind contemplated by the Bill would be repugnant to the feelings of the English people. If the Act of Charles II. was insufficient, was also the Police Act, and Michael Angelo Taylor's Act? All shops, of whatever description, should be shut during the hours of divine service on Sunday, in the same way as beerhouses and public-houses were regulated at present. The objectionable feature of the Bill, however, was the principle of cumulative penalties, as he had already stated. This principle of cumulative penalties was introduced into all the modern Bills to put down Sunday trading, and it had been uniformly rejected by the House. The present Bill proposed to except beer and stamped publications from the articles which might be sold on Sundays. By a blue book on the sale of beer, which came from the House of Lords last Session, the law was finally set at rest. It contained a general order, issued by the Excise, in which the officers of Inland Revenue were instructed that no objection would be made to the sale of table beer, retailed by persons who were not licensed victuallers, provided that it were sold at a price not exceeding 1½*d.* per quart. Now, the present Bill would affect the sale of that liquor on Sundays. The public-houses of the metropolis were allowed to be opened on Sundays after one o'clock, under certain restrictions. By this Bill the commonest beverage of the working classes was taken out of their reach, and the hon. Member sent them, if they had money, to the public-house; and, if they had none, to the pump. There was a penalty for selling this table-beer on Sunday, and the Bill would not allow the poor man, in point of fact, to have any drink. In the list of excepted articles which might be sold on Sundays, he found the words "or periodical papers stamped with the penny stamp." This would exclude all the unstamped publications, which were the chief reading of the mechanics and artisans. There were as many as fifty unstamped periodicals, many of them very respectably conducted. Among them were the *Family Herald, Eliza Cook's Journal,* the publications of the Messrs. Chambers, the *Working Man's Friend,* and these would stand the most scrutinising eye. They were, too, able to give information to many Gentlemen within the walls of that House. These publications, as the bill of exceptions stood, could not be purchased by the poor man on Sundays. Was this legislation suited to the year 1851? Was it going forward, or was it not rather retrograding with a vengeance, even back to the time of Charles II.? In conclusion, he begged for a moment to refer to the evidence given before the Lords' Committee last year, upon which the present Bill was founded. Mr. Mayne, the Chief Commissioner of Police, said, that he should look with apprehension at any attempt to enforce by law the provisions of the Bill, on account of the great improvement that had taken place; and, again, that he thought a general Bill would not be an effective one for the purpose. Mr. Elliott, a magistrate of great experience, said, that speaking as a lawyer he thought the Bill very inadequately drawn, and that it could not work as it was. Mr. Chester and other magistrates said, that they would rather see the Bill thrown out than passed with the exceptions which it contained. On these grounds, he thought that if such a Bill could be available for the purposes for which it was intended, it ought not to be founded upon the evidence at present before them, but that they ought to go before another Committee. He was convinced that the proposed Bill was one of the most mischievous, irritating, anomalous, and uncalled for that had ever been submitted to the House, and he therefore moved, as an Amendment, that it should be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. LENNARD begged to second the

Motion for the rejection of the Bill. He had been requested to oppose it, and he did so willingly, because he thought the Bill calculated to inflict great hardship on the labouring classes. In the report which had been alluded to by the hon. Member for Guildford there would be found unanswerable reasons against the Bill; for it would be found that it would inflict the greatest hardships upon the poorest classes, whilst it left those who were in easy circumstances totally untouched. To the poor people this Act would be cruelly oppressive. The valuable and interesting letters upon "Labour and the Poor" which had appeared in the *Morning Chronicle* would convince all who had read them of the injustice and oppressive nature of this measure. Those letters showed that thousands of the working classes did not receive their wages until late on Saturday night. Many of them were employed in running about the streets until the close of the Saturday, and how could they comply with the provisions of this Bill? It would prevent them from obtaining the proper necessaries of life. The Bill provided, that for eight months in the year no meat or provisions for human food should be sold on a Sunday, and that for the other four months they should not be sold after nine o'clock on Sunday morning. These were restrictions which inflicted no inconvenience on those who were in easy circumstances, and who could obtain their provisions at any time, and who had all the necessary means of keeping their food till it was cooked; but it was far different with the working classes, who had often no money till they received their wages at a late hour on Saturday night, or even till Sunday morning. Any one who had read the report which was made by the Committee of the House of Lords, must know that there were thousands of little workmen who were running about the town all Saturday night from shop to shop trying to sell their goods, in which they did not succeed often till a very late hour at night. Again, there many workmen employed by small masters who did not receive their wages till Sunday morning. There were thousands and tens of thousands of people, in short, who had no means of purchasing their Sunday's dinner till the Sunday morning; and who, under this Bill, would be compelled to make Sunday a fast-day, or else would be driven to the public-house. Then, there were, at least 200,000 who had no separate apartment, but who with their families lived in the same room with other families. If these people had the means of buying on Saturday night, how could they preserve their provisions from taint till dinner time on Sunday in the polluted atmosphere of their crowded rooms? It was clear such persons must live from hand to mouth, and would therefore be greatly injured. It had been said that such a Bill as the proposed one would diminish the extent of Sunday trading—but it would increase the amount to a great degree of Sunday suffering. He was sure such a Bill would not have a chance of being adopted if the working classes had a share in the representation of that House equivalent to what the other classes had. Why was it that the barber, who was almost exclusively employed by the poor man, was not allowed to carry on his necessary business after ten o'clock, while the cabmen and engineers, &c., were allowed to work all day? He had no respect for the petitions which had been presented in favour of these Bills. Let those who had scruples about supplying their poor neighbours with the necessaries of life, or those who desired to amuse themselves by expeditions into the country, shut up their shops—there was no compulsion on them to keep them open; but they were not content to do this, unless they could make their neighbours do this also. This was not religion; it was avarice, or rather the spirit of the dog in the manger, who would neither use what he had himself, nor let others use it. For such selfish conduct he had no sympathy. The Bill was conceived in the very spirit of intolerance, for it attempted to force on others the opinions which some of them, perhaps, entertained themselves. He objected to the title of the Bill, which was called a Bill to prevent unlawful trading on a Sunday. He believed there was very little unlawful trading to be complained of. From Hyde Park-corner to Whitechapel, and from the bridges to the New-road, what was there to be seen on a Sunday but one gloomy line of dingy window shutters? The only exception was to be found in the poorest districts, where it was a matter of necessity that certain shops should be open. He believed there never was a time when there was greater respect for the Sunday; the crowded churches were evidence of that. He believed there was a general feeling of its being a religious duty to keep Sunday as a holyday, and he would rather trust to the good influence of that feeling than embark in vexatious legislation, such as that proposed by the Bill before them.

Sir B. HALL said, he knew that the inhabitants of the metropolis were extremely diversified in opinion with regard to this Bill; but the hon. Member for Lambeth had made a proposition in which he hoped the hon. Gentleman who had moved the Amendment would coincide, namely, that if this Bill should be allowed to pass the second reading without opposition, it should be referred to a Select Committee.

Mr. BARING WALL wished to know if the Committee would have power to examine witnesses?

Mr. W. WILLIAMS had no objection.

Mr. BARING WALL: Then, I agree to that at once.

Amendment, by leave, *withdrawn.*

Main Question put and *agreed to.*

Bill read 2°, and *committed* to a Select Committee.

EXPENSES OF PROSECUTION BILL.

Order for Committee read.

Clause 1 agreed to.

Clause 2.

Mr. HENLEY said, no provision was made for the expenses of constables in cases where magistrates, instead of exercising a summary jurisdiction, sent the case for trial to the sessions. This would throw the expenses of constables on the parish or county instead of the Crown, which now paid them.

Sir G. GREY said, it was intended that the words should include all the expenses that were now included in the certificate. If that was not the case, the words should be altered so as to make that quite clear.

Mr. MULLINGS said, that in some instances where the cases were not sent to the sessions, no expenses were allowed, which he thought a great hardship.

Mr. DEEDES wished to draw the attention of the right hon. Gentleman the Secretary of State for the Home Department to the question of allowing the expenses of prosecutions in cases of assault sent by a magistrate to the sessions. At present the court could not allow the expenses of prosecutions in such cases, but he saw no reason why the expenses should not be allowed in cases of aggravated assault, as well as in common felonies. If the right hon. Gentleman was not prepared to consider the question, he would himself bring up a clause with reference to it.

Mr. WAKLEY was very glad the hon. Gentleman had drawn attention to this matter. It was a very important one, for many reasons. The present state of the law held out a premium to persons to adopt what was called "hard swearing," in order to secure the committal of the defendant for trial, in which event, if the prosecutor were a poor man, he would be unable to proceed.

Mr. E. B. DENISON thought that the proposition of his hon. Friend the Member for East Kent ought not to be entertained without considerable caution, or it might open the door to very great expense. He would not say more than just to put the right hon. Gentleman upon his guard relative to the admission of the proposed clause.

Sir J. DUCKWORTH could see no principle upon which the expenses of prosecuting aggravated assaults that came before the quarter-sessions should be withheld.

Mr. BANKES was of opinion that the presiding magistrate at assizes, and the justices at quarter-sessions, might safely be intrusted with a discretionary power in ordering the expenses. As the law at present stood, it was extremely hard upon the poor. He should cheerfully vote for such a clause as his hon. Friend the Member for East Kent had alluded to.

Mr. W. MILES thought that there would be a difficulty in dealing with the case as had been suggested by his hon. Friend; for it frequently happened that cases of trumpery assault were brought before a magistrate, who refused, perhaps, to have anything to do with them. The parties then might prefer an indictment before a grand jury, and, if the costs were in all cases to be allowed, that practice would no doubt greatly increase, and the county expenditure be much enhanced. At the same time he was far from denying that the present system was capable of great improvement, and he thought the subject well deserved the attention of the Government.

Mr. DEEDES considered it would be desirable to give the magistrates the power of granting a certificate in certain cases, stating that the parties were not entitled to proceed further. Such a provision would greatly control the expense of prosecutions.

Sir G. GREY said, it had been suggested by the hon. Member for East Kent that there ought to be discretionary power to order expenses in cases of misdemeanour, and also that where no committal took place the same discretionary power should be given. With regard to the first point, a discretionary power did exist in cases of felony and cases of misdemeanour, mentioned in the 7th Geo. IV., c. 64. There were no doubt other cases, not then foreseen, which ought to have been included in the same category, such as those in which parties might be tried and convicted of the minor offence. He doubted the propriety of giving the court the unlimited power in all cases of misdemeanour which it now possessed in cases of felony, and thought the better plan would be to specify the cases in which a discretionary power should be given. With regard to the other point, he thought the giving of a discretionary power in cases where no committal took place, would lead to a great expense, and to the bringing of charges which had no substantial foundation. There might, no doubt, be some cases in which hardship was occasioned under the present system; but he was inclined to think that the inconvenience was much less than it would be if the suggestions of hon. Gentlemen were adopted.

Mr. AGLIONBY had previously given a notice which, if carried, would have had the effect of giving the magistrate power to take the confessions of delinquents. By such a proceeding the cost of witnesses and general expenses of prosecutions would be materially avoided.

Mr. WAKLEY said, he did not propose that magistrates should have an unlimited power in all cases, but that power should be limited to particular cases. If magistrates were not to have discretionary power in such cases, then it was clear the right hon. Gentleman did not think magistrates completely fitted for their office.

Clause agreed to.

Clause 3.

Mr. HENLEY considered it was right that the Secretary of State should have power to fix the amount of expenses to be paid per diem; but unless precautions were taken in case a magistrate's certificate was not to be conclusive, the expenses might be enlarged indefinitely, and no means at hand to check abuse.

Clause agreed to, as was also Clause 4.

Clause 5.

Mr. STAFFORD said, this was the most important clause of the whole Bill, and he rose to move its omission. He considered that the *onus probandi* rested on those who brought forward this clause to show why a large and a respectable class of practitioners were to be disfranchised, and their emoluments interfered with in this summary way. The magistrates' clerks were general practitioners, respectable in their conduct, and much trusted by the gentry and others of the district in which they practised. He had received a letter setting forth the probable working of the clause so practically and fully, that he would trouble the House with a few extracts. [The hon. Member here read portions of the letter which had reference to associations for the prosecution of felons, showing what would be the consequences if the clause in question were allowed to stand.] The gentlemen who acted as the secretaries to those associations, and who always conducted the prosecutions of felons, were themselves generally the clerks to the justices, so that the alteration would evidently have the effect of depriving the country of the services of a most valuable class of professional gentlemen. Such a charge must involve a large addition to the county rate in reimbursing them for the losses they may sustain. They were compelled to attend the assizes in order to prove confessions, &c.; and although they would not have the power to prosecute, they would have the privilege of defending prisoners. He confessed he could not see the reason of such a distinction. He therefore trusted the right hon. Gentleman would either consent to the withdrawal of the clause, or to such a modification of it as would meet the objections of a body of men who felt that not only their fair emoluments were interfered with, but an aspersion cast on their character and conduct which was wholly undeserved. He should move the expulsion of the clause, with the view of raising a discussion on its merits, or divide the Committee if no satisfactory reasons for its retention were assigned.

Mr. BROTHERTON thought it necessary that the clause should be either omitted or modified. In the borough he represented, the justices appointed a clerk to conduct the prosecutions, who was paid by salary, the fees going into the borough fund; and this was a plan which had operated very beneficially. Where there were a number of magistrates' clerks competing for the prosecutions, it caused a great increase of expense. He hoped a proviso would be added to the clause, exempting from its operation those clerks to justices who were paid by salary, and had no interest in the prosecutions.

VISCOUNT EBRINGTON thought the whole of this discussion afforded a fresh illustration of the difficulty of legislating for local exigencies by a central authority. He was assured that the operation of this clause would be very injurious in many places, and he hoped it would be withdrawn.

SIR G. STRICKLAND said, the most important point was the exclusion from practice of certain professional men. He had received various complaints about this clause, and thought it required much modification.

MR. CHRISTOPHER said, the object of the Bill was to diminish the expenses of prosecutions, and he supposed it was intended to infer that magistrates' clerks had an interest in bringing additional witnesses in order to increase their costs. But he believed the insertion of the clause now under consideration would produce the very effect which the right hon. Gentleman was desirous to prevent. He would just state to the House the result of the present system with respect to the cost of offences tried at Lincoln from the neighbourhood of Gainsborough. Out of 220 commitments, only three of the indictments preferred by the magistrates' clerk had been ignored by the grand jury. The expenses of each prosecution amounted to 4*l.* 4*s.*, but the employment of another attorney would have been attended with an additional cost of 6*l.* 6*s.* He believed, generally speaking, that the magistrates' clerks were the most fit persons to perform this duty, and was of opinion that the proposed change would not at all diminish the expense.

MR. PACKE, from long experience as a chairman of quarter-sessions was confident that if clerks of petty-sessions were prevented prosecuting, justice would not be done. The best men were selected to fill these offices; and the result would be that prosecutions would fall into the hands of men less well informed. He approved of the suggestion that the clerks of petty-session should be paid for the prosecutions by salary.

MR. COWAN believed that the system of remunerating the procurators-fiscal in Scotland was working well, and it seemed to him that a similar system would work well if introduced in England, with regard to the services of magistrates' clerks.

SIR J. TROLLOPE wished to know what the accusation was against these gentlemen; for his part, he had had considerable experience as chairman of quarter-sessions, and he had never seen anything but a due economy on their part, and believed that public justice was advanced by the present system.

SIR G. GREY said, that since this Bill had been before the House, he had received an immense number of letters on the subject, the greater part of which stated objections to this clause. He brought no charge against the gentlemen who acted as justices' clerks, comprising as that body did some of the most respectable practitioners in the law. He was surprised, therefore, to hear the hon. Member for North Northamptonshire say that this Bill was an imputation on the whole body of the clerks of justices, and that they were bound to oppose this clause, as, indeed, they were most effectually doing. No doubt there was a natural tendency in the human mind to avail itself of opportunities of obtaining money, and therefore there might be an increase of the expense when it put money into the pockets of the party incurring it. No doubt many cases had occurred in which the public had been charged under the present practice with unnecessary expenses by clerks of justices conducting prosecutions. When the Municipal Corporations Act was beforet he House, a similar clause was inserted; but they did not hear that what was then proposed was casting any imputation on the gentlemen who acted as justices' clerks in the municipal boroughs, nor had he heard since of any inconvenience from the adoption of that clause, while at the same time it kept down the expense of prosecutions. He had given his best attention to this subject, and he thought the clause might be open to exceptions in its application to particular country districts; but his only object in it was to insert in the Bill a clause which might tend to promote economy without risking the loss of the proper means of conducting prosecutions and enforcing the criminal law. A suggestion had been thrown out on the second reading of the Bill, that if the clerks were to be paid by salaries, for which in the next clause there was an optional provision, those salaries should be calculated with reference not only to the duties they performed as magistrates' clerks, but also with reference to the duties that might be thrown on them in conducting prosecutions. With some modification, he thought that such a provision might be beneficially adopted. He should propose that the clerks should not be at liberty to be concerned in any prosecution until the salaries were fixed, nor unless they were recommended by the justices to conduct such prosecution, and a justice should certify in writing that it was expedient that the clerk should conduct such prosecution. He was not, however, prepared to ask the House to assent to the clause as it stood, and would, therefore, postpone it for further consideration.

MR. DEEDES suggested that the following difficulty might arise. By the proposed clause the committing magistrates were to have the power of recommending the costs of prosecution. A case might occur in which the clerk came to the sessions under the authority of the committing magistrate as a fit person to conduct the prosecution, and, on the other hand, the quarter-sessions might not consider the case to be one in which the expenses ought to be allowed.

MR. W. MILES thought there would be a difficulty in allowing a single justice to certify for the prosecution. The power ought not to be vested in a single magistrate, but in the bench of petty-sessions.

Clause postponed.

Clause 6.

MR. C. W. HOWARD said, that it would be well if the right hon. Gentleman the Home Secretary determined the amount of fees payable to clerks of the peace. In his opinion the amount ought to be fixed.

MR. COLES must, from all he had ever seen, speak in high terms of the magistrates' clerks, who were men of high standing and honourable character. He should beg to move the following Amendment to the clause:—

> "To add to section 6, after the words, 'and to his rights in respect thereof,' the following words:—'and that the salary to be paid to any such clerk of the peace shall not be less than the average amount of the fees, profits, and emoluments payable to such clerk of the peace, in respect of his office, for the three years next preceding the passing of this Act.'"

He considered that if salaries were to be granted, they ought to be fixed according to the average emoluments and profits for the last three years. He hoped that the consideration of this section, however, would be deferred. The salaries when fixed, might be reconsidered at the end of three years, and an alteration made if it was thought necessary.

SIR G. GREY said, the object of the clause was to facilitate the commutation of fees now received by the clerks of the justices and of sessions. The measure had been pressed upon the consideration of the Government, and a Committee which sat upon the subject last year recommended a change of the nature now proposed. He thought the proposal of the hon. Member who last spoke, who wished to limit the amount of salary for a period of three years, subsequent to the time it was granted, might be objected to on this ground: at present the fees of the clerks of the peace could be diminished at the instance of the quarter-sessions; the rule upon this point had not been inoperative, and if the Amendment were agreed to, the effect would be that the clerk might be guaranteed a salary which would not be capable of any change for three years.

MR. COLES would not press his Amendment.

MR. SPOONER said, that in this clause a power was given of diminishing the salaries of clerks of the peace, but not of increasing them. In this respect the same powers should be given to magistrates of boroughs as had been given to justices of quarter-sessions.

SIR G. GREY said, he thought no alteration was necessary, as the magistrates, if they acted wrongly, were subject to a control on the part of the Secretary of State.

MR. HENLEY thought that some means should be provided to prevent quarter-sessions deciding such matters without due notice, and that the Secretary of State should have the power to act as arbitrator between parties. A great part of the income of many clerks of the peace did not consist of fees in prosecutions, but of fixed charges for other business.

MR. SPOONER urged that some means should be adopted to prevent the salaries of clerks to borough magistrates being reduced by the ratepayers. He saw no reason why the magistrates of boroughs should be treated differently from magistrates of counties, with regard to fixing the salaries of their clerks. He hoped the right hon. Baronet would promise to reconsider the subject, otherwise he should take the sense of the Committee upon it.

SIR G. GREY said, there was this difference between the functions of justices of the peace in counties and in boroughs, that the former managed all the financial business of the counties, while the latter had nothing to do with the financial business of boroughs, the control of which was vested in the town councils. To empower justices of the peace for boroughs to administer the financial affairs of those boroughs, would be to establish an entirely new principle; and, though he had no doubt they would be actuated by no improper motives in regulating the salaries of their officers, he thought it was not advisable to adopt the suggestion of the hon. Member for North Warwickshire. With regard to the suggestion of the hon. Member for Oxfordshire, he would take care to provide that due notice should be given of any intention to alter the emoluments of clerks of the peace, so that no precipitate resolution might be adopted. The hon. Gentleman also suggested that, in case of any dispute, the Secretary of State should act as arbitrator. If the Committee were willing to place that power in the hands of the Secretary of State, and if they did not think the exercise of such a power might deter courts of quarter-sessions and town councils from making recommendations, he would not object to the introduction of such a provision.

MR. MULLINGS said, that the clerk of the peace generally acted as solicitor to the county, and his emoluments as solicitor were frequently double the amount of his fees as clerk of the peace. He was acquainted with a case where the fees of a clerk of the peace for a county were something less than 300*l.* a year; but his Bill as county solicitor was about 700*l.* a year. He conceived that the Bill, in its present form, would leave clerks of the peace whose salaries might be fixed, at liberty to act as county solicitors, which would give them considerable additional emoluments.

MR. SPOONER moved, that after the words "governing body," the following words be inserted:—"and the justices of the peace in special sessions assembled." His object was, to give to justices of the peace in boroughs a concurrent power with the town councils in determining the amount of salary to be given to clerks of the peace.

SIR G. GREY said, the proposal now made by the hon. Gentleman was very different from that which he understood him to suggest before. He understood now that the hon. Member did not mean to transfer the power of fixing the salaries of clerks of the peace from the town councils to the justices, but only to give the justices a voice in the matter; and if the hon. Gentleman would defer his Amendment until the bringing up of the report, he (Sir G. Grey) would, in the meantime, give the subject his consideration.

SIR J. TROLLOPE wished to know whether it was intended that the salaries to be given to clerks of the peace should comprehend all costs to which counties were put incidental to the office of clerk of the peace?

SIR G. GREY replied that the salaries were intended to be a commutation for all the fees received by the clerks of the peace in that character. The counties might, however, employ any solicitor they chose; and if the clerks of the peace were compensated in their salaries for the duties they performed as solicitors, there was nothing to prevent the business of county solicitor from being transferred to another person, in which case a double charge would be thrown upon the county rate. The magistrates might, of course, if they chose, make an arrangement with the clerk of the peace for conducting criminal prosecutions.

MR. MULLINGS inquired whether the salaries would include all fees which were not strictly for professional business—whether, for instance, they would include registration fees?

SIR G. GREY thought they ought to cover every duty which a clerk of the peace was, by statute or usage, compellable to perform as clerk of the peace.

Clause, as amended, agreed to; as were the remaining clauses.

House resumed.

Committee reported.

Bill, as amended, to be considered on Wednesday next.

APPRENTICES AND SERVANTS BILL.

Order for Committee read.

Clause 1.

MR. W. MILES said, that an imprisonment of three years was a very severe one. Two years was the usual term up to which a discretion was allowed, and he did not see why they should make an exception in the present instance. He was aware the Bill had been brought in in consequence of the Sloanes' case, but they were not likely to have another case of such gravity.

MR. BAINES said, the wording was any term "not exceeding" three years; and he thought the penalty not too severe, as some of the offences to be provided against by the Bill were little inferior to murder.

Clause agreed to, as were also the remaining clauses.

CAPTAIN HARRIS wished to know whether the Bill would extend to young persons apprenticed or hired out to persons out of the union?

MR. BAINES proposed to extend the operation of the Bill to a circle of five miles beyond the union. In cases where young persons were hired out to a distant part, such as their being taken from a union in Sunderland to become domestic servants in Cornwall, for instance, it would be impossible to require the guardians to incur the expense of visiting the young persons periodically. The law already, to some extent, met the case of apprentices beyond the union; but with regard to servants, he thought it impracticable to trace them out and visit them at a distance.

CAPTAIN HARRIS thought some means ought to be devised to afford the protection of the Bill to the cases which the right hon. Gentleman said it was impracticable to meet.

MR. BAINES said, he was anxious to render the measure as effective as possible, and, therefore, he should reconsider the suggestion of the hon. and gallant Member.

House resumed.

Committee reported; as amended, to be considered on Monday next.

The House adjourned at two minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, March 20, 1851.

MINUTES.] PUBLIC BILL.—3ª Court of Chancery (Ireland) Regulation Act Amendment.

AGRICULTURAL DISTRESS.

The EARL of WINCHILSEA said, he had to present a petition from the owners and occupiers of land and others of Sleaford, in the county of Lincoln, complaining of agricultural distress. The petition was signed by nearly 5,000 persons, by farmers, labourers, tradesmen—in short, by persons who were all differently engaged in industrious pursuits. Looking to these petitions, and to the facts they stated, he did not think that the Legislature could long refuse to do justice to the landed interest. The noble Earl having read an extract from the petition, proceeded to say that he did not think that that and the other House of Parliament could refuse the protection which was so loudly and so urgently called for. He believed that in the annals of Parliament there could not be found any record of an announcement having been made by the Sovereign that there was a considerable amount of distress experienced by one great interest of the empire, and that announcement, unaccompanied with the expression of an earnest hope that Parliament would take the subject into its immediate consideration, for the purpose of ascertaining what was the extent of the distress, and what measures might be devised for its relief. He owned that it was with feelings of bitter disappointment that he found that no announcement was made of a recommendation to both Houses of Parliament to take agricultural distress into their immediate consideration. The evils of the system of free trade were every day becoming more manifest, and pressing more severely, in the agricultural districts. Hitherto the landowners and the farmers had been the principal sufferers; but now the pressure had descended lower, and the labourers were unable to obtain employment. In Lincolnshire, the county from which this petition emanated, there had been less want of employment than in any other county of England. There thousands upon thousands of acres, that in former times had been under water, had been brought into cultivation, and made to produce wheat. There it was difficult at one time to find an unemployed labourer, and now there was want of employment and great distress amongst them; and if such were the case in Lincoln, he was sure that greater distress must be felt in other counties of England. Five years ago, if he wanted additional labourers, it would take him some weeks before he could procure them; and now, as the land ceased to pay a profit for its cultivation, they were without employment, and he could get hundreds without looking for them. To show the progress of pauperism, he would take the following return, showing what it had been in three years in the highest farmed district in all England. [*See Table at foot of next column.*] At the smallest calculation there were upwards of 70,000,000*l.* lost to the agricultural interest by the fall of prices consequent upon the unfortunate change in the law that took place a few years ago. The greatest injustice was done to those who had been induced to invest capital in the cultivation of land. If the present experiment were persisted in much longer, considerable tracts of land in this country must necessarily be thrown out of cultivation. He dissented altogether from a statement made the other evening by a noble Lord opposite (Lord Wodehouse), in respect to the condition of the agricultural labourers in the county of Norfolk. He believed that the agricultural labourers in that county were suffering from the want of employment equally with the same class in every other county in England. When it was thought fitting by a former Government and a former Parliament to deprive the agricultural interest of this kingdom of that protection under which it had risen to the highest stage of prosperity, it was at all events only fair that the foreigners, who had reaped such advantage by the change, should be put upon the same footing as ourselves. One thing, however, was certain, that they could not allow things to go on as they were. They were gradually getting from bad to worse, and if timely precautions were not taken to disperse those clouds which were thickening over the agricultural interest of the country, the most fearful results might be anticipated. There was a strong feeling growing up that it was almost useless to present petitions to that House, inasmuch as they were not treated with that respect which they had a right to receive. He sincerely trusted that something would be immediately done by the Legislature to allay the distress and the discontent that at present prevailed, and that Government would feel it to be their duty having—acknowledged in Her Majesty's Speech the existence of considerable distress—to introduce some measure that will tend to alleviate the sufferings of that most important class in the community, the agricultural interest.

Return of Total Number of Paupers chargeable in the following Unions, in January, 1849, 1850, 1851—

Union.	In-door.	Out-door.	Total.	1849	1850	1851
Louth 1849	167	1721	1888	1888		
,, ...1850	174	1907	2081	..	2081	..
,, ...1851	178	1963	2141	..	..	2141
Spilsby 1849	194	1506	1700	1700	..	..
,, ...1850	191	1783	1974	..	1974	..
,, ...1851	214	1749	1963	..	..	1963
Horncastle..1849	199	1072	1271	1271	..	..
,, ...1850	231	1082	1313	..	1313	..
,, ...1851	250	1108	1358	..	..	1358
Caistor......1849	157	719	876	876	..	..
,, ...1850	148	723	871	..	871	..
,, ...1851	161	840	1001	..	..	1001
				5735	6239	6463

Lord WODEHOUSE said, that he had made full inquiry since he had made the statement referred to, and he adhered to his statement. He found that, in his neighbourhood in Norfolk, there had been fair average employment; and, although wages had been in some cases reduced from 8*s.* a week to 7*s.* 6*d.*, and even 7*s.*, the price of food was so much less than it used to be, that it was more than an equivalent, and the labourer was in a better position than he had been in with higher wages and higher prices of articles of consumption. There had been a statement in some of the papers in reference to the observations which he had made, to the effect that in the parish of Kimberley there were no paupers in 1848; in 1849, 2; in 1850, 9; and in 1851, at the beginning of this year, 15. The object of this was, to show that he was incorrect. His statement, however, had been made with reference to the average number of paupers throughout the year. It was true that there were 15 at the beginning of the year; but two of them were above 80 years of age each, five were young children, and the remainder were an ablebodied man with his wife and seven children. The man was not an agricultural labourer, but a bricklayer, a dissolute man, who had been repeatedly in the workhouse, with his family, and who had been dismissed from employment upon his (Lord Wodehouse's) estate for drunkenness and misconduct. He certainly should not have troubled their Lordships with a statement so utterly contemptible as the present, if some of his friends had not been of opinion that considerable doubt was thrown upon the accuracy of his former representations in that House. He had the satisfaction of knowing that in two parishes in his neighbourhood, which belonged, with the exception of a few acres, to him, there was not at the present moment a single ablebodied man out of employment; and though, in certain parishes near the coast where he had property, there were some out of employment, he was happy to say that there had been no increase of pauperism, which could be accounted for by the change that had taken place in the price of corn in this country. It was stated by the noble Earl (Winchilsea) that, in the parish of Hingham, there was a great increase of crime: he (Lord Wodehouse) had certainly not heard of any such increase; but, at any rate, it was satisfactory to know that there were no ablebodied men in the workhouse from that parish; there were 13 paupers, but they were all, without exception, aged, infirm, or unable to work; and, on inquiry, it would be found any increase of pauperism that had occurred was attributable, not to a decrease in wages, but to age, infirmity, and sickness. He had no acquaintance with Lincolnshire; but, on reference to the returns made to the other House of Parliament, he found that in the county of Lincoln there had been a decrease of 6 per cent in pauperism in the year 1850, and that in the county of Norfolk, in the same year, the decrease in ablebodied pauperism had been 8 per cent.

Lord SONDES said, that, connected as he was with the county of Norfolk, he wished to make one or two observations on the subject now before the House. He did not for a moment desire to question the accuracy of the statements of his noble Friend who had just sat down; and, indeed, knowing that his noble Friend had turned his attention very fully to the state of the agricultural districts, it would be highly improper to do so, but he must confess that he had heard the noble Lord's former statements with a great deal of surprise, and was well aware that they had caused a deal of excitement in the county of Norfolk. In his (Lord Sondes's) neighbourhood he knew that the ablebodied population were in a state of distress, and that, though that population obtained bread a little cheaper than formerly, the prices of other necessaries of life were little varied. From inquiries instituted amongst the small tradesmen of Norfolk, it appeared that less money was in circulation amongst them this last winter than had ever been known. If he had anticipated that Norfolk would have been cited on the present occasion, he would have been prepared with further information; but, in reply to the statement that pauperism had decreased 8 per cent in that county, he could only say that an anonymous letter had appeared in a Norfolk newspaper the other day, signed "A Magistrate,"—and it was desirable that letters on such subjects should not appear anonymously — in which it was stated that, in the twenty unions in the county of Norfolk, the expense had increased between the years 1838 and 1848 to the amount, within a few pounds, of 51,000*l.* If this were a true representation of the fact, it betokened anything but a decrease of pauperism in that county. He was anxious that the most minute inquiries should be made into these matters. He had always been opposed to these free-trade measures; and it was his firm conviction that they would prove destructive to the best interests of the country.

Petition read, and ordered to lie on the table.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Friday, March 20, 1851.

MINUTES.] PUBLIC BILLS.—1ª Designs Act Extension.

2ª Consolidated Fund (8,000,000*l.*).

DENMARK AND THE DUCHIES.

Mr. URQUHART begged to ask the noble Lord the Secretary of State for Foreign Affairs, the question of which he had given notice—when the papers connected with the affairs of the Duchies and Denmark will be laid upon the table of the House?

Viscount PALMERSTON replied, that it was not his intention to lay on the table any further papers in reference to this subject. In August, last year, on the Motion of an hon. Friend of his, he laid on the table a copy of the treaty which established the foundation for the regulation of the differences between Denmark and Prussia with regard to Schleswig. And he would state the reasons why he did not think the production of any further documents to be necessary. The correspondence spread over a space of three or four years, and included negotiations between the Ministers of almost every Court in Europe north of the Alps, namely, Paris, Berlin, Petersburgh, Vienna, Copenhagen, Stockholm, Frankfort, besides many of the minor German States; and it would be impossible to give any connected or intelligible view of these negotiations without furnishing, at the same time, a mass of papers, which would occupy about two thousand pages of letterpress, and which no hon. Member would read—or if any hon. Member did read them, he would be greatly throwing away his time. These despatches were important at the moment; but in any Parliamentary discussion they lost all their practical interest, in consequence of all the questions to which they related having been disposed of. It was not, therefore, his intention to lay any additional papers before the House, and he would feel it his duty to oppose any Motion made for their production.

MR. URQUHART begged then to ask further, whether in this correspondence there had been any negotiation as to the succession to the Crown of Denmark, or in respect to the succession in the Duchies?

VISCOUNT PALMERSTON: A good deal had passed in regard to these points; that was to say, in regard to the succession to the Crown of Denmark; and, as connected with that, in regard to the arrangements for the order of succession in Schleswig and Holstein. But Her Majesty's Government had studiously and systematically held themselves aloof from taking any share in these negotiations. Her Majesty's Government had confined themselves strictly to the mediation which they undertook; which was a mediation for the purpose of bringing about a restoration of peace between Denmark and the Germanic Confederation.

PASSPORTS.

VISCOUNT MAHON, in bringing forward the Motion of which he had given notice, said he would in the first place recall the attention of the House to what had passed on this subject in the month of May last. In May, last year, when the estimates of the Foreign Office were before the House, he called attention to this subject, and he complained that the high price put upon passports by the Foreign Office, of two guineas and a half, amounted almost to a prohibition. The noble Lord the Foreign Secretary did not admit the practical grievance of which he (Lord Mahon) complained, nor did the noble Lord hold out any hopes of any alteration; but several other Gentlemen, especially the hon. Member for Bath, and the hon. Member for Montrose, had joined in the complaint. He (Lord Mahon) seeing then that the feeling of the House was against the existing system, had said that he felt disposed to bring forward the question in the present year. In pursuance of that pledge he gave notice of his Motion on the 18th February. He had no reason then to think that the subject had occupied the attention of the noble Lord the Secretary for Foreign Affairs. But he had been glad to find the contrary. On the 20th of February, two days after his notice, there appeared an order in the *Gazette*, by which the price of passports was diminished to 7*s*. 6*d*. He said last year that he imputed no blame at all to the noble Lord the Foreign Secretary, and now he would go further and express his thanks to the noble Lord for the great improvement which he had effected by the change. He tendered to the noble Lord his thanks. But precisely because it was no party question—precisely because he did not bring it forward as a subject of imputation—for that very reason he thought he might invite the noble Lord, and invite the House, to consider, with him, whether the present system was not still a great anomaly. The passports issued at the Foreign Office were diminished to 7*s*. 6*d*. in price; but, as formerly, passports were delivered by several foreign missions free of charge. Observe how completely this system tended to defeat its own ends. The foreign missions here in London gave passports gratuitously. The system worked thus: If a person wished to go to Constantinople or Madrid, without incurring the expenditure of 7*s*. 6*d*. for a Foreign Office passport, he could obtain from the French mission, or almost any other foreign mission, a passport to Paris. Once at Paris, he could go to the Marquess of Normanby, and obtain a passport for Madrid or Constantinople, free of charge. Upon any journey that led the traveller through a capital city, such as Paris, or Brussels, or Frankfort, where passports were given gratuitously, facilities for eluding the arrangement were constant. He therefore would ask the House whether it would not be a better regulation to equalise the charge, to diminish it to 2*s*. 6*d*. or 3*s*. in London, but impose the same charge on passports given by the Marquess of Normanby, or the Ministers at Brussels, or at Frankfort, and thus encourage a greater number of English travellers to carry with them a passport from their own authorities? Now, when he urged that point last year, he did not think that the facilities of evasion were denied; but what was stated in answer was, that the Foreign Office would be incumbered by a great number of applications, and public business would be interrupted. But surely the House would be inclined to think that that objection applied to the diminished sum now imposed. If the alteration worked at all, its effect would be to create a great number of additional applications, and therefore, at all events, he thought it would be a point well deserving attention, to establish a passport office in some central situation, under the authority of the noble Lord, but separated from the office where the public business of the foreign department was conducted. By that means the objection would be met; and surely if the noble Lord resisted that suggestion, it would be tantamount to saying that the alteration had failed, or would fail, of its object. He (Lord Mahon) maintained that the system as it now stood was not merely inconvenient in practice, but anomalous in principle. There was no dispute as to the happiness this country enjoyed, free from any passport system of its own. There was no dispute as to the wish that other countries followed our example in that respect; and really he thought the case of Don Carlos might have served as a lesson to foreign States as to the absolute inutility of passports, since Don Carlos had found it possible to obtain a passport *en regle*, and by means of that passport to pass through the whole country of France, and to arrive in the Basque provinces and commence civil war. They had heard some time ago that the President of the French Republic was convinced of the inconvenience and inutility of the passport system, but they had not heard of his giving practical effect to those views. If then the system was continued by foreign States, we ought to consider how it could be worked with the least inconvenience to ourselves. It seemed to him they might adopt one of two courses. They might say to other countries, " We object to passports; we do not require them ourselves: if you require passports from our subjects, you must supply them, we will have nothing to do with them;" or they might say, " Though we object to passports, as you require them we will give them upon our own authority as a safeguard to our own subjects." Either of those systems would be intelligible; either might be defended; but it was absurd to adopt a combination of both; to give passports ourselves, and not disavow the practice of obtaining passports from a foreign mission in London—to charge for passports issued by the Foreign Office in London, and to issue passports gratuitously by any of the English missions in foreign countries. It was also well deserving of consideration, in discussing the reduction of the price of passports to a uniform rate, whether, in case of a British subject travelling under a passport issued by a foreign mission in London, which was encouraged by the present system—whether that alone would sufficiently protect him from injury or insult. What was the practical position of a man travelling with a French or Belgian passport? It was all very well whilst things went on smoothly, and the moment there was any difficulty he complained loudly of disrespect; but it was disrespect, not to a man travelling under a passport from his own authorities, but one issued by a foreign Power. In point of principle, then, the present system was utterly indefensible. If Englishmen could obtain their passports from British authorities only, they would be in a better position in all respects than according to the present practice; for if they experienced injury or insult, having passports from the noble Lord, or from some of his delegates abroad, they could, with more effect, appeal to him for protection. He might notice here, that considering the thousands and tens of thousands of English travellers, he felt quite assured that the change which he suggested could not be otherwise than acceptable to foreign Governments, as relieving them from a burdensome duty, which they had no interest in continuing—the duty of granting passports gratuitously to the subjects of the British Crown. According then to the views which he took of the subject, he should suggest that the money charge should amount only to such a sum as would be sufficient to defray the expense of clerks and offices, and that change, he thought, would place the department upon a clear and satisfactory footing. The general considerations which he had now endeavoured to urge, derived great force from some changes which had lately taken place in the regulations respecting passports through the Austrian and Prussian dominions. It was impossible any one could take up a newspaper without seeing well-attested cases of abuse, inconvenience, and wrong, which the noble Lord the Secretary for Foreign Affairs, with the best intentions, could not redress, because the great evil, detention, must be suffered before those cases could be made known. He (Lord Mahon) had received a letter from the West Riding of Yorkshire, which pointed out considerable practical inconvenience whenever a merchant at Hull might wish to leave the Humber for some Prussian port. It would be necessary for him to send to London to the noble Lord for a passport, and to get some banker or other person of standing to vouch for his respectability. Despatch was the soul of commerce, and as delay and detention of that kind might be very injurious to British merchants, he would suggest whether it might not be possible to send blank passports to some local authority, to places like Hull or Boston, to be issued to parties on the responsibility of that local authority, and to avoid the inconvenience which the new regulations of Prussia inflicted. Another point to which he would allude, was the practice which sometimes prevailed of giving English passports to foreigners. He thought that was a very objectionable practice. If a British passport to a foreigner were treated with slight, there would be no redress, because the person bearing it would not be a British subject. He had been told by the Earl of Aberdeen, that during the whole time he held the seals of the Foreign Office, he gave only one single Foreign Office passport to a foreigner, and that was under very special circumstances which he detailed to him, but which he need not repeat. He (Lord Mahon) did not accuse the noble Lord of any abuse of powers in that respect; but he would not say as much for all his agents. In one case especially, the issue by Mr. Freeborn, our Consul at Rome, of several hundreds of passports to foreigners, did seem to him a great abuse of that practice. They should remember the state of the Continent, the position which Mr. Freeborn occupied at Rome—and when it was recollected that as recent events have shown, we were very jealous of any interference by the Pope, it was reasonable that our public officers should not interfere in anything connected with the government of the Roman States. He hoped, then, that the noble Lord would seriously consider the subject now brought under the notice of the House, with a view to effect such changes as could be advantageously introduced. He had now alluded to the inconveniences of the present system, and to the remedies for them. It remained to state to the House upon what grounds he had adopted the particular words of the Address. He might have proposed a Select Committee; but, as none of the facts were disputed, such a Committee would only have taken up the time of its Members and of the witnesses unsatisfactorily. He had preferred to follow the precedent in the Address to the Crown upon the Sunday delivery of letters last year. This was, he thought, the most courteous and conciliatory course towards the noble Lord at the head of the Foreign Office. It enabled the House to express its opinion in favour of some further improvement, and it enabled the noble Lord to take counsel upon the best measures to be adopted. In no quarter was there any desire to impute blame to the noble Lord. For himself, he begged to thank him for the steps he had already taken, and he hoped to see him prove his good disposition in this cause by his readiness to carry out further improvements.

Motion made, and Question proposed—

> " That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to cause an inquiry to be made whether improvements might not be effected in the system of granting Passports to Her Majesty's subjects travelling in Foreign States."

VISCOUNT PALMERSTON: I am sure, Sir, for my part, that I ought to bear testimony to the very temperate and useful manner in which the noble Lord has brought this question under the attention of the House. There is one point in which I entirely agree with him—that it would be most desirable if foreign Governments would abolish entirely the system of passports, which is practically attended with great vexation to the innocent traveller, and which does not afford protection to the Governments against the passing from one part of the Continent to the other of persons whom the Governments wish to examine and stop. The noble Lord has stated one instance of the inutility of passports, in the departure of Don Carlos from England to Spain. But there might have been reasons in that case which gave some peculiar facilities to that person. But there was another still stronger proof in the case of the Duchess de Berri, who travelled from Marseilles to Bordeaux. The French authorities had an interest in stopping her, yet she travelled with a passport, *en régle*, and without any molestation whatever. The system of passports, then, does not accomplish the purposes for which it is established; but, nevertheless, there it is, and we must deal with it as we can. The noble Lord last year drew attention to this subject; and, whatever I said at that time upon the proposal he then made, I can assure him that what he said was duly considered by me. Events too occurred, in the autumn of last year, which caused my attention to be directed to those regulations which were established in Austria and Prussia, and which imposed additional difficulties in the way of British travellers who were not provided with British passports. It was during the autumn that I proposed to the Treasury that a considerable reduction should be made in the charge for passports issued from the Foreign Office, and I asked their consent to the expenses necessary for such an establishment as might be required to provide for the increased number of passports which might be demanded when the charge was so diminished. Having obtained the sanction of the Treasury, I issued the order to which the noble Lord has referred. At the same time, I am prepared to state that the arrangement now made, is merely an experimental one, and is by no means adopted as a final one. And if in the working of that system it should appear that a further diminution of the expenses of passports, or greater facilities of delivering them, and if that equality which he has alluded to between the charge of passports in England and abroad should be desirable, I will duly consider all these points; and if, as is very likely to be the case, greater facilities can be given to British subjects travelling in foreign countries, I shall be most happy to afford them. But my noble Friend, if he will allow me to call him so, has stated an objection to what he conceives to be an established practice of granting passports to foreigners. My noble Friend says that the Earl of Aberdeen informed him that, to the best of his recollection, he had only granted one passport to a foreigner. Now, as far as my own recollection goes, that noble Earl has granted one more passport to foreigners than I have; for, so far as I am aware, I have not granted any passport to a foreigner from the Foreign Office. The established rule which I have ever observed is to grant passports only to British subjects. As a proof of the strictness with which this rule is observed, I may mention that some inconvenience has been experienced in the case of foreigners who have taken out letters of naturalisation in this country, because my right hon. Friend the Secretary of State for the Home Department has, within the last few months, in granting letters of naturalisation, limited the privileges of British subjects which these letters confer to the dominions of the Crown. And there is an especial clause that a foreign-born subject obtaining these letters of naturalisation should not acquire the character of a British subject out of and beyond the dominions of the Crown. In pursuance of that rule, foreigners so naturalised do not receive passports from the Foreign Office. My noble Friend has mentioned one instance of a departure from the practice. I should say that the rule is equally binding upon our foreign Ministers and Consuls abroad; but my noble Friend has stated that Mr. Freeborn, our Consul at Rome, did not grant one, or three, or any small number of passports to foreigners, but, I believe, 500 at one time. Now, when that came to my knowledge, I was very much surprised, and I called upon Mr. Freeborn for an explanation. It appeared that these passports were granted at a time when the French troops had taken possession of the city of Rome. There was a large number of foreigners —2,000 or 3,000, I believe—who had been engaged in the defence of the city, who had no means of existence after the city had been taken, and whose presence was considered by the French and Roman authorities as likely to be attended with inconvenience and disturbance to the public peace. The British Consul, with the knowledge of those authorities, and with the view of contributing to the tranquillity of the city, gave, as did also other foreign Consuls then at Rome, a great number of passports to these persons, in order to enable them to leave Rome peaceably, and without any danger to the public tranquillity. I was perfectly satisfied with the explanation of Mr. Freeborn, and I entirely approved of what he had done; but this was a case peculiarly exceptional, and it did not establish the rule, which is as the noble Lord thinks it ought to be. The observance of that rule of not granting passports to foreigners abroad, seems also to require some restriction here, and that passports should not be granted to every one who may apply at the Foreign Office; because, if we gave passports indiscriminately, and without proper inquiry, we should give passports to foreigners, to whom it may not be desirable to give the protection of British subjects when they are travelling abroad. But my noble Friend is mistaken in supposing that there is so much virtue in a British passport, and such want of virtue in a foreign passport—that with the British passport there is abundant protection, and without it there is none. A passport proves the mere fact that the person who carries it is a British subject; but the noble Lord well knows that persons landing in France and proceeding to Paris have their passports taken from them and sent to Paris. They receive in exchange a French passport, and their own is not given back to them until they leave Paris. But that does not the less secure protection to a British subject during the whole period of his journey abroad. I assure the House that I do not deem it to be the less my duty to afford protection to a British subject who may stand in need of it because he happens to be travelling under a foreign, and not under a British passport. A passport is a *bonâ fide* indication of the nationality of the bearer; but a British subject, proving himself to be such, is equally entitled to the protection of his country in any difficulty in which he may find himself placed, whatever his passport may be. But the Austrian and the Prussian Governments having imposed great restrictions, and having opposed very great difficulties to the travelling of British subjects in their dominions unless they had passports signed by a British Minister, and countersigned by the Austrian and Prussian authorities, I deemed it my duty to give greater facilities for procuring Foreign Office passports. I assure my noble Friend that it is my intention to consider the present arrangement as only experimental, and to see, if no inconvenience or difficulty arises from these additional facilities, whether it may not be possible still further to extend them. As to an address to the Crown for inquiry, the matter is so simple that it does not require such inquiry. That it should be taken into consideration by a Committee, is applying a great power to a small matter. To appoint a Select Committee, indeed, to sit upon this subject, would be very much like that instrument worked by four horses to slice cucumbers. I think that the precedent of the address from this House upon the Post Office Sunday delivery is not altogether a very happy one; for, if I remember rightly, in that case the House agreed to one address, and afterwards adopted another of a very opposite character. But that question was a very complicated one, and involved inquiry into what arrangements might be made in every post-office in the country. But this question is one that really requires no other inquiry or consideration than that which the Secretary of State for Foreign Affairs is able to afford it, in conjunction with the Treasury and with one of the chief clerks of his department. Every attention shall be paid to the subject; and, as I have said, if I find, as I most likely shall find, that I can adopt most of the suggestions that have been thrown out, I assure my noble Friend that I shall not be the less disposed to adopt them because they come from him and from the other side of the House; and that I shall be very happy to give facilities to the pursuits of British travellers abroad. I trust that my noble Friend will withdraw his Motion, and that he will be satisfied with the assurance I now give him.

MR. BRIGHT had applied for a passport for a gentleman who was a Greek by birth, but had been for many years in Manchester, was concerned in extensive business there, and was settled there for life. This gentleman was going abroad, and on application for a passport, under the regulation of last year, which did not prevent the noble Lord the Foreign Secretary from giving a passport, the passport was refused. He (Mr. Bright) could understand the refusal of passports to persons of whom the noble Lord knew nothing—those foreigners who could not get passports perhaps elsewhere, and came here for them, that they might be enabled to pass through the Continent under their protection. But if a foreigner were a settled naturalised British subject, whose character was unimpeachable, and who intended to spend his life in this country, it would be a proper exercise of discretion on the part of the noble Lord to give to such a person a passport, the same as if he were a British-born subject. He (Mr. Bright), however, did not understand that the passport gave the holder of it any claim for the interference of the noble Lord, in case he should do anything to bring himself into trouble in a foreign State. He would not ask for this Greek gentleman or any British subject the interference of the noble Lord under such circumstances, but he thought that he should have the same kind of passport, and be treated with the same kind of liberality as other British subjects. He (Mr. Bright) had mentioned this, because in Manchester there were a large number of foreigners—fifty families of Greeks, and probably as many more of other nations. Many of them were the very best of the population of Manchester, the most highly respected, having the largest businesses, and were settled there for life. He only asked, that as they were settled there, and as their presence was beneficial to the country, they should be similarly treated with other subjects.

MR. M. MILNES supported the views expressed by the hon. Member for Manchester, and was aware of some cases of hardship which had occurred through the refusal of the American authorities to grant passports to foreigners. He was very glad to hear from the noble Lord the Foreign Secretary, that the present system was merely provisional. The Austrian and Prussian authorities had surreptitiously forced their passport system on us.

Mr. URQUHART commended the cautious manner in which the noble Lord the Secretary of State for Foreign Affairs had exercised the discretionary power entrusted to him in the matter. With regard to the Greek, whose case had been referred to by the hon. Member for Manchester, he (Mr. Urquhart) conceived that a foreigner on returning from this to his native country was not entitled to the immunity from the obligations imposed on him by his native State which a British passport conferred. The allegiance which a foreigner owed to the Sovereign of this country while here, did not relieve him from the allegiance due to the sovereign of his native State when he returned there.

Mr. BRIGHT explained that the Greek gentleman, whose case he had mentioned, was settled in Manchester, and had a wife and family there, and was merely going abroad for the purposes of trade.

Viscount MAHON said, that the noble Lord at the head of Foreign Affairs having declared that the present arrangement for issuing passports at the Foreign Office was only temporary and provisional, and that he would attend to the subject, and endeavour still further to improve the present system, he thought he should be making an ill return to the spirit in which the noble Lord had met the Motion if he called upon the House to come to a division.

Motion, by leave, withdrawn.

POOR LAW (IRELAND).

Sir W. SOMERVILLE appealed to the hon. Member for Tipperary to withdraw the Motion of which he had given notice, for returns of certain correspondence on the subject of the employment of paupers in Ireland. He (Sir W. Somerville) wished the Motion postponed until an opportunity were afforded of communicating with the Department to which the Motion referred. He did not know that there would be any objection to produce the papers, but they could not at present enter into the merits of the matter.

Mr. SCULLY considered the matter of so much importance to the owners and occupiers of land in Ireland, that he could not consent to postpone it. He felt it his duty to call the attention of the House to a number of circumstances connected with the present condition of Ireland, and the refusal of the Poor Law Commissioners to allow the board of guardians to employ the paupers in remunerating labour. The Thurles board of guardians, who had in their workhouse 700 ablebodied male, and 1,500 ablebodied female paupers, had been anxious to employ them at some industrial occupations, which would produce some return, and raise a fund for enabling the paupers to emigrate. They had applied to the Poor Law Commissioners for permission to employ the paupers, but had met with a refusal. The Commissioners had alleged, as a reason for their refusal, that the adoption of such a course, whereby emigration was contemplated, would lead to a serious increase of the applications for relief, and enhance the burdens of the ratepayers. The boards of guardians ought to be allowed to employ the paupers in reproductive labour, on account of the present state of Ireland. The ratepayers were borne down by an overwhelming load of pauperism, and were, one by one, becoming bankrupt. The increase of pauperism in Ireland had been most enormous. In Tipperary and adjoining districts, the number of paupers capable of performing industrial labour was 23,154; and of that number there were 10,849 under the age of 15. The taxation had also, of course, increased to a very great extent. In the county of Tipperary, in 1835, there were no poor-rates, but a county cess of 58,780*l.* In 1849, the poor-rates alone had been 182,212*l.* 12*s.* 7*d.*, and the county cess 104,504*l.* 14*s.* 8*d.* In these circumstances, he thought that every facility should be afforded for the employment of the paupers at reproductive labour. An argument used against the employment of paupers was, that it interfered with free labour out of doors. That might be a fair principle of political economy, but Ireland was an exceptional case. There they had no free labour—there they had no labour at all. The inmates of gaols were employed at industrial occupations; and if so, why not also the ablebodied inmates of workhouses?

Motion made, and Question proposed—

"That there be laid before this House Copies of all Correspondence between the Thurles Board of Guardians and the Poor Law Commissioners in Ireland, between the 1st day of January and the 10th day of March, 1851, relative to the refusal by the Poor Law Commissioners to allow the Board of Guardians to increase the employment of the inmates in remunerative labour:

"And, Return of the Number of Inmates in the different Workhouses in Ireland, specifying their Ages, between seven and fifteen, fifteen and twenty, twenty and forty, and forty and upwards, the different sexes, and the number of ablebodied, and aged and infirm."

SIR G. GREY did not think that there would exist any objection to the returns moved for; but it would recur to the recollection of hon. Members that notice of the Motion had only been given on Tuesday evening. When the notice had been given, his right hon. Friend the Secretary for Ireland had written to Dublin, to ascertain if there would be any objection to the returns; and it was impossible for them to have an answer to enable them to proceed with the matter that night. He therefore moved that the debate be adjourned till that day week.

Debate *adjourned* till Thursday next.

ECCLESIASTICAL TITLES ASSUMPTION BILL—ADJOURNED DEBATE (FOURTH NIGHT).

Order read, for resuming Adjourned Debate on Amendment to Question [14th March],—Debate *resumed.*

MR. NEWDEGATE had sought that opportunity of addressing the House, not because he could express any warm approval of the Bill under consideration, though he should vote for the second reading of the Bill, imperfect as it was, because he thought some declaration of the common law on this subject was necessary. He had no wish to carp in any factious spirit at the measure introduced by the noble Lord at the head of the Government, but he was anxious to draw the attention of the House to a part of the subject to which he thought that neither in the debate then proceeding, nor in the previous discussions in that House and the country, had due consideration been given—a part which he looked upon as of the greatest importance—namely, the aggression upon the temporal sovereignty and civil independence of this nation, which had been committed by the agents of the Pope. He had on a former occasion shortly called the attention of the House to that part of the subject, and had shown that, although a Roman hierarchy in this kingdom was a thing in some sort necessary, but in form of its present intrusion illegal, unconstitutional, unnecessary, and dangerous, still more dangerous was the aggression which had been made upon the temporal and civil independence of the country. Although the Bishop of Rome had taken upon himself to establish this hierarchy under the plea that it was required by the body of religionists who acknowledged his sway, he had in reality sent into this country a Cardinal, a member of his privy council, selected from his senate, for the sole purpose of extending his temporal power over England, and arrogantly gave him a commission to arrange the civil, political, and economical affairs of the people of this country, as *legate a latere.* The noble Lord had adverted in his opening speech to this point, in another case—that of Dr. Cullen—when alluding to the wide range of operation adopted by the Synod of Thurles, and had pointed out to the House the fact that, not satisfied with confining their interference to religious matters, they had proceeded at once to take up and dispose of the vast question involved in the social arrangements between landlord and tenant in Ireland—a question so vast and so complicated, so deep and intricate in its nature, that even Parliament, the legitimate source of all such interference, shrunk from the task of legislating on it. What he (Mr. Newdegate) wanted to show the House was, that the synod merely obeyed the orders of the Pope, as conveyed through Dr. Cullen, their head and director, as *legate,* in interfering as they had done in the civil and economical affairs of that country; and further, that Cardinal Wiseman, as *legate a latere,* had still fuller power and authority than Dr. Cullen—powers which, no doubt, would be kept in abeyance until the House separated for the recess, when they would be revived and put in practice during the following months, to the annoyance of the people of this country. He (Mr. Newdegate) hoped he would be pardoned for tendering proof as to the nature of the office and the character of the functions which this man had come to England to exercise, and showing, still further, that from the earliest period of history it has been held to be contrary to the common law of this country that a Papal legate, and more especially a Cardinal legate, should come into the realm, without the permission of the Sovereign or of the Legislature, and without taking an oath not to interfere with, or to the detriment of, the institutions of this country. If he proved, as he believed he could, these points, he should contribute his mite to the better understanding of the question, and, as he trusted, thereby relieve the measures necessary to repel Papal aggression from the unjust imputation of religious persecution. He would beg the House to bear with him while he endeavoured to prove what he had asserted. The other night he had called the attention of the House to the description of the office of cardinal, as given by high Roman Catholic authorities. In this, as in all such cases, where a man stated an important truth in this free country, he found himself supported by men far more competent than he was to investigate the subject. He found, that at a meeting the other day held by some clergymen at Sion College, Dr. M'Caul, whose character for learning and for piety stood deservedly high, had quoted works of authority to show the true office of a cardinal *a latere*, and the true object of appointing a Roman Catholic prelate to such a post. The House would find that the order of cardinals was literally part and parcel of the Papacy, and that cardinals were the privy council — the body corporate, of which the Pope was head. Dr. M'Caul said—

> "There might have been, and there might be, Roman Catholic bishops who might be necessary to the purposes of their religion, without having cardinals. Cardinals were the mere temporal and political agents of the Court of Rome."

In proof of this he had looked to the authority:—

"Cohelli notet. Cardinalatus (Rome, 1653).	"Cohelli makes this remark, in his work published at Rome in 1653: 'The Order of Cardinals;'—
"P. 17. Pars corporis ipsius Papæ, sic se habentes ad Papam ut senatores ad Imperatorem.	"P. 17. Part of the body of the Pope, they stand with regard to the Pope in the same position as senators to the Emperor.
"P. 3. Auctis ecclesiæ opibus, et insuper accessione temporalis principatus, cœpit Pontifex in singulos dies consiliis et adjutoribus egere; episcopi vero tam sæpe evocari non poterant; ea propter concilia paulatim omissa sunt, totaque res ad cardinalium senatum redacta est.	"P. 3. After the wealth of the Church had increased, and the accession of temporal sovereignty, the Pontiff began to want every day councils and assistants; the bishops could not be called out so often; councils on this account were by degrees omitted, and the whole business was referred to the senate of cardinals.
"P. 40. Ut ad institutum redeamus, ad officium quippe cardinalium in assistentia Romano Pontifici ad sedis apostol. negotia exequenda consistens. Cujus causa cardinales a Romana curia abesse, nisi legationis causa, non debent."	"P. 40. That we may return to that which has been established—to the duty, in fact, of the cardinals, which consists in assisting the Roman Pontiff for the forwarding of the business of the Roman see. On which account cardinals ought not to be absent from the Roman Court except by reason of (being sent as) legates."

Thus Dr. M'Caul proved on ancient authority that the office of cardinal was merely that of deacon; but when the Pope assumed temporal authority over Europe, he converted cardinals into privy councillors, and he then found that the duties were so important, that they ought not to be absent from the Roman Court unless sent as legates to a foreign Power; the special function of a cardinal was the exercise of temporal power in the administration of matter chiefly secular at Rome, and it was only as a legate that a cardinal could be here. Of this fact he (Mr. Newdegate) had obtained indisputable proof from another authoritative service. He would remark that Van-espen was received as an authority at Maynooth, and the following extract was from a work sanctioned in a solemn manner by more than one *imprimatur*: — *Ceremoniale Sanctæ Ecclesiæ num primum correctum et commentariis auctum*, vol. i., cap. xviii., p. 321. *De Creatione Legati Apostolici de latere*, published *permissu superiorum*, at Rome, 1750, with the *imprimatur* Joseph Catalano:—

"De Officio Legati, in v. i. notavit inter alios Van-espen, parte i. Juris Ecclesiastici Universi, titulo xxi., cap. 1, quicquid autem de aliis generibus legatorum sit, legati a latere vocantur legati cardinales, et hoc ideo ait glossa in citato cap. 1., 'quia assumunter de latere Papæ.' Nam sicut imperator et patricii sive consiliarii faciunt unum corpus, cujus imperator est caput, et consiliarii qui sibi assistunt in secretis dicuntur esse membra, ita similiter Papa est caput, et cardinales sunt membra. Ideo quando aliquis assumitur ex cardinalibus, ut mittatur legatus, dicitur sumptus de latere, et appellatur legatus de latere."—*Josephus Catalanus*, vol. i., page 321.	"Concerning the office of legate, Van-espen, in the 1st volume and 1st part of his *Universal Ecclesiastical Law*, has remarked that whatever may be the case with other kinds of legates, cardinal legates are called legates *a latere*, and this too, says the glossary on the above cited chapter 1, 'because they are taken from the side (beside) of the Pope.' For as an Emperor and the patricians or counsellors form one body, of which the Emperor is the head, and the counsellors who assist him in secret matters are said to be the members, so likewise the Pope and the Cardinals form one body, of which the Pope is the head, and the cardinals are the members. When, therefore, some one of the cardinals is taken away that he may be sent as legate, he is

> said to be taken from (beside the side of the Pope), and is called a legate *a latere*."

Again, to follow the more recent authorities cited by Dr. M'Caul, who brought his proof down almost to the present day, and proved that the cardinals were originally only curates, but that when the Pope became a temporal Sovereign, it was then necessary to have temporal counsellors, he quoted from *Encyclopedia Italiana e Dizionaria della Conversazione, Opera Originale*, &c.—Venezia, 1842, Eti. 8vo:—

> " Assistono in una parola al Pontefice nell' esercizio de suoi doveri come supremo gerarca della Chiesa e sovrano temporale. Talora essi vengono inviati come ambasciatori per gravissime cause ai principi della Christianita, e prendono il nome ed il grado di legati a latere.—Tom. 5; article *Cardinal;* signed Prof. Ab. Nardi, p. 679.

> " They assist, in short, the Pontiff in the performance of his duty as the supreme governor of the Church, and as temporal Sovereign. Thence it happens that these same persons are sent as ambassadors for the weightiest causes to the Princes of Christendom, and take both the name and rank of legates *a latere*."

In further, and still later, proof of the system, the rev. gentleman (Dr. M'Caul) quoted the following passages from the *Nouveau Dictionnaire de la Conversation*, tom. 2, Bruxelles, 1843, pp. 527, 528:—

> " Les premiers cardinaux ne furent donc autres choses que les curés de l'Evêque de Rome . . . . . mais lorsque les Papes joignirent le sceptre des Rois à leur crois pastorale le cercle de leurs attributions s'étendit avec celui de leur autorité. Il fallut de nouveaux ministres à leur nouvelle puissance, et ce furent cardinaux qu'ils choisirent."

He quoted these authorities merely to show there could be no possible doubt about the functions of Cardinal Wiseman, and that Cardinal Wiseman was here as a political agent, to follow out the temporal purposes of the Court of Rome. It would be recollected, that a controversy arose respecting the Papal oath taken by Cardinal Wiseman. He believed Cardinal Wiseman denied having taken the usual archbishop's oath. He denied having taken the oath in all its integrity; but that he failed to prove. He also denied having taken any oath on being appointed a Cardinal. It might be supposed that Dr. Wiseman's having taken the archbishop's oath was considered to be a sufficient excuse for his having been sworn by the Privy Council of the Pope. Now he (Mr. Newdegate) had diligently searched, but had found no precedent for the alleged omission. The oath of a privy councillor bound Cardinal Wiseman to the discharge of certain temporal functions, and that oath, which was as follows, contains one very remarkable passage:—

> [Extract from *Le Parfaite Notaire Apostolique.* Par T. L. Brunet, Avocat en Parlement. Tom. i., cap. a. 1775. " Le serment qu'on exige des cardinaux est tel qu'il ensuit."]

> " Ego . . . . nuper assumptus in sanctæ Romanæ ecclesiæ cardinalem, ab hac hora in antea ero fidelis beato Petro universalique et Romanæ Ecclesiæ, ac Summo Pontifici, ejusque successoribus canonice intrantibus. Laborabo fideliter pro defensione fidei Catholicæ, extirpationeque hæresum et errorum, atque schismatum reformatione, ac pace in populo Christiano. Alienationibus rerum et bonorum ecclesiæ Romanæ aut aliarum ecclesiarum et beneficiorum quorumcunque non consentiam, nisi in casibus a jure permissis; et pro alienatis ab ecclesia Romana recuperandis pro posse meo operam dabo. Non consulem quidquam Summo Pontifici, nec subscribam, nisi secundum Deum et conscientiam meam. Quæ mihi per sedem apostolicam commissa fuerint fideliter exequar, cultum Divinum in ecclesia tituli mei et ejus bona conservabo, sic me Deus adjuvet et hæc sacrosancta Dei evangelia."

> " I . . . . lately raised to (the office of) cardinal of the Holy Roman Church, from this hour, will be faithful in the aforesaid to the blessed Peter and the universal and Roman Church, also to the Supreme Pontiff and his successors canonically entering upon the office. I will faithfully labour for the defence of the Catholic faith, and the extirpation of heresies and errors, and the reformation of schisms, and for the peace of Christian people. I will not consent to alienations of the property or goods of the Roman Church, or of other churches and benefices, except in cases by law permitted; and for the recovery of such as have been alienated from the Roman Church to my utmost will I labour. I will not give to the Roman Pontiff, nor consent to advice being given, except according to (the will of) God and my conscience. Whatever shall be committed to me by the Apostolic See, I will faithfully execute. I will preserve Divine worship in the Church of (whence I derive) my title, and the goods thereof. So help me God, and these God's holy Gospels."

He perceived that hon. Members who were Roman Catholics were very much inclined to laugh at his statements. It appeared to him that the greater the power, the more absolute despotic the authority, to which they were subjected, the better pleased they were. It seemed that their allegiance to the Pope had so endeared the Pope to them, that they wished to have him for their temporal as well as their ecclesiastical Sovereign. If such were the opinions of these hon. Members who were Roman Catholics, then certainly the steps taken by the Holy See were the most effectual steps to attain such a purpose. But then they must not be surprised or angry at their loyalty to Her Most Gracious Majesty being suspected, when it was remembered they sanctioned the intrusion of an authority, not ecclesiastical or spiritual only, but an authority which arrogated to itself jurisdiction in civil and temporal matters, and unhesitating obedience to its officers, specially commissioned for these temporal purposes. He did not know how Cardinal Wiseman would be able to reconcile one passage in the oath he had taken with the Act of Settlement. The passage was, "for the recovery of such property as has been alienated from the Roman Church, to my utmost will I labour." When the House remembered that the property in question amounted at one time to one-third or one-half of the real property of this country, this arrogance might seem ridiculous; but they must remember that the magnitude of such an object was no bar to the ambition of a priesthood and a Papacy who claimed and aimed at universal dominion. He would now show that Cardinal Wiseman, by his own first act as Cardinal priest in this country, had reverted to the exercise of those very functions of his office he had just described, and that he had already commenced labouring for the recovery of the goods of the Roman Church. Cardinal Wiseman had announced a jubilee. Here was an extract from the announcement:—

> "Nicholas, by the Divine mercy, of the Holy Roman Church, by the title of St. Pudentiana, Cardinal Priest, Archbishop of Westminster, and administrator apostolic of the diocese of Southwark—To our dearly beloved in Christ, the clergy, secular and regular, and the faithful of the said archdiocese and diocese, health, and benediction in the Lord," &c.

Having decreed a jubilee, he goes on to say—

> "By a jubilee is signified a period of time, during which the Church more earnestly exerts herself, through her ministers, to bring sinners to repentance, to obtain the restitution of ill-gotten property, and the reparation of injured reputations; to reconcile enemies; to make the lukewarm fervent; to awaken faith, enliven hope, and increase charity; and to renew in all the sound principles of true religion and their serious observance," &c.—"In order to encourage the faithful to partake of the benefits of this holy time, the Church liberally opens her precious treasures, and grants to all a plenary indulgence in the form of a jubilee," &c.—"And now, beloved in Christ, we have to exhort you to one clear duty: although alms-deeds are not prescribed to you as a condition of granting the jubilee, yet it is among the surest means of obtaining the fulness of its benefits."

It was a long time since a cardinal had been seen in England, and he would venture to assert, and would show the House, that it was contrary to the constitution and the law of England that this temporal officer of a foreign potentate should be permitted to reside in England. It might be said, we, in former ages, had cardinals who resided in England. He admitted the fact that Cardinals Beaufort, Wolsey, and Pole had resided in England. But the Statute-book, he found, was not silent on the subject of the residence of the first of these cardinals — Beaufort — in this country. Cardinal Beaufort was brother to King Henry VI. Here was the case of Cardinal Beaufort, from the *Codex Juris Ecclesiastici*, by Edmund Gibson, D.D., Bishop of London, 1761, Oxford. Vol. I., p. 66 (note) upon the Statute of Provisors of Benefices made, 25 Edw. III., Stat. 6, and Anno Domini 1350, sect. 2:—

> "And the said Kings in times past were wont to have the greatest part of their council, for the safeguard of the realm, when they had need, of such prelates and clerks so advanced: the Bishop of Rome encroaching to him new seignories of such possessions and benefices, doth give and grant the same benefices to aliens which did never dwell in England, and to cardinals which might not dwell here, and to others as well aliens as denizens," &c.

Here was a special recital and declaration of the then existing state of the law. England was so far from admitting cardinals who were foreigners to any part in her public councils, that it became an established rule that if any Englishman was made a cardinal, he should thereby become utterly incapable of being of the King's council; insomuch that Cardinal Beaufort, though of the blood royal, could not be admitted one of the King's councillors but by a special declaration of Parliament (Rot. Parl. 8, Hen. VI.) for that purpose, and upon an oath by him taken to retire out of the council as oft as any matters concerning the two Courts of Rome and England should be under consideration. Yet we now saw Cardinal Wiseman, who is a prince of a foreign court, sent over here to administer a foreign law amongst British subjects — a law which is notoriously opposed in many matters to the law of the land, without leave asked or given by any competent authority of this country. The Record sets forth—

"Quod transactis temporibus in regno Angliæ visum non fuerit, atsperatur, quod regno Anglicæ nationis ad statum et dignitatem Cardinalis per Sedem Apostolicam sublimati, post susceptam hujusmodi dignitatem ad interessendum conciliis Regiis, veluti Regis et Regni conciliarii hactenus admissi exstiterunt."

After which, having recited the Cardinal's relation to the King, and his great merits and abilities, it follows:—

"De avisamento et assensu Dominorum Spiritualium et Temporalium in præsenti Parliamento existentium concordatum fuit et unanimiter avisatum, quod præfatuis Cardinalis ad interessendum conciliis Regiis et unius consiliariorum suorum nedum admitti, sed etiam ad intendendum eisdem consiliis ex parte ejusdem Domini Regii requiri debet specialiter, et hortari; sub Protestatione tamen subsequente, videlicet, quod quoties aliquæ materiæ, causæ, vel negotia, ipsum Dominum Regem aut regna, seu Dominia sua ex parte unâ, et Sedem Apostolicam ex parte alterâ concernentia in hujus conciliis Regiis communicanda et tractanda fuerint, idem Cardinalis se ab hujusmodi conciliis absentet, et communicationi earumdem causarum, materiarum et negotiorum non intersit quovis modo"—

This was the first Act relating to this matter, showing that even the King's brother required an Act of Parliament to authorise his residence as cardinal in this country, and to permit him to take his seat at the Privy Council. Well, he would now come to Cardinal Wolsey. At the time Wolsey was made cardinal, the Pope was on friendly terms with Henry VIII., and conferred upon him the title of *Fidei Defensor*. At that time Wolsey was made a cardinal first, and was sent back by the Pope as legate afterwards; but both the office and commission were conferred upon him at the express instance of his Sovereign. Then came Cardinal Pole, who, after being driven from England by Henry VIII. for opposing his claim to be supreme governor of the Church of England, was made cardinal deacon—an inferior position to that of cardinal priest. Queen Mary received him at court—thought, it was said, of making him King Consort—but, dismissing that idea, sent him to Rome, for the express purpose of his being ordained cardinal priest and legate, that he might in that capacity reconcile the people and Parliament of England to the Church of Rome. He instanced these cases to show there was no instance of a cardinal or of a legate having been resident in England without the consent of the Crown and Parliament, and that Cardinal Wiseman's residence here was an intrusion into this realm, and a violation of the constitution of this country. The last instance of a Roman Catholic ecclesiastic avowedly invested with legatine powers attempting to enter England, took place in the time of Elizabeth. But what did Queen Elizabeth and the Privy Council do? He found the fact recorded in history, in Camden's *Elizabeth*, book i., page 54, A.D. 1561:—

"The English merchants were, notwithstanding, through the procurement of the Duke de Guise, injuriously handled upon the coast of Britain, their ships being taken and made prizes; there was close dealing again at Rome for an excommunication to be thundered forth against the Queen Elizabeth; but Pius Quartus, bishop of Rome, thought best she should be dealt withall more mildly. For he (as I have said in the last year) solicited her by enticing letters; and now having appointed a day for the Council of Trent (begun heretofore, and by often wars interrupted) for the taking away of dissensions in religion, and allured thither all princes; even such as were averse from the Popish religion; he sent the Abbot of Martinego into England with letters most full of love and kindness; but the abbot stayed in the Netherlands, and requested that he might be admitted into England, for by an ancient law it was provided—'That the Pope's nuncios should not enter into England, but upon leave first obtained, and oath also taken that they should attempt nothing in England which might be prejudicial to the King, or to the liberty of the kingdom.' And the Council of England thought it not safe to admit him, considering that so many in all parts being nuzzled up in Popery, diligently laboured at home and abroad to disturb the quiet of the State. When the abbot was not permitted to cross the seas into England, the Bishop of Viterbo, the Pope's nuncio in France, dealt earnestly with Throckmorton that Queen Elizabeth would send her ambassador to the Council; and many princes in Christendome, the French King, the Spaniard, the Portugall, Henry Cardinal of Portugall, and especially the Duke of Alva (who yet bore her singular good will) persuaded her by their letters, that she would rather rest upon the Æcumenicall Council of Trent in matters of religion, which is the only anchor-hold of Christians, and the prop of kingdoms, than upon the private opinions of a few—though never so learned. She answered—'That she wished with all her heart an Æcumenicall council, but to a Popish council she would not send; with the Bishop of Rome she had nothing to do, whose authority was expelled from England by consent of the estates of the realm; neither belonged it to him, but to the Emperor, to call councils, nor could she acknowledge any greater authority in him than in any other bishop.'"

He wished Her Majesty, our Protestant Queen, had been advised by a Privy Council as ready to defend Her rights as Queen Elizabeth. He wished the noble Lord, when he first heard of the Pope's intention, not to send a Nuncio with limited power, but a full-blown Cardinal legate, who was to carry out the establishment of a Roman Catholic hierarchy — had taken proper steps to prevent it. He wished the noble Lord, adverting to the common law of England, had warned Cardinal Wiseman not to come here, and that if he did so it would be a violation of the law. But Her Majesty's Ministers appeared at that time to have been paralysed or to be doubtful of their duty. The noble Lord seemed scarcely to understand the honour intended for his Sovereign; at all events, he took no effectual means to prevent Cardinal Wiseman from coming. And the noble Lord's Bill had this fault, that instead of stopping aggression at the outset, as it ought to have done, it only rendered acts penal that had already gone on for four months. What were the consequences of this hesitation? The priest party on the Continent was congratulating itself on every additional day that the aggression remained unredressed. The Church of Rome was a church of forms; and it must be remembered, with the Church of Rome that forms were things binding on the consciences of her adherents. The time that had thus uselessly been permitted to be wasted inactively, had done this mischief—it had damaged the position of their fellow Roman Catholics—for he rejoiced to say very many Roman Catholics, though many had abstained from expressing openly their opinions, considered the proceedings of the Pope were an infraction of their liberty, and they were as heartily opposed to the aggression as the Protestant people of England; but they were in danger of Rome's setting up a prescriptive right, founded on the technical admission of principle, which would be made binding on their consciences owing to the delay which had taken place; and this danger increased with every day that nothing effectual was done. He did not speak only from ancient precedents, when he said that the aggression was not only a violation of the law of this country, but a violation of international law; for in the Treaty of Vienna it was specified, that the laws of each country with respect to the admission of legates were by that treaty confirmed. Had the noble Lord, who opened the debate with so able a speech, continued his proceedings in the same spirit, and followed out that speech in the way the country expected, he would have been at this moment at the head of a powerful Ministry: he would have disarmed his enemies. Had the noble Lord followed up his declarations, he would have ruined the Opposition; they would not be in the position they then were. But the noble Lord, after expressing the full sense of the indignity that had been offered to the Crown, and the insult inflicted on the nation, cast down the reins of power, and when he resumed them it was in a faltering spirit, ill calculated for the present time. The noble Lord, in his opening speech, adverted to the case of other countries, and proved that all the countries of Europe—Roman Catholic and Protestant alike—guarded themselves against the usurpations of the Church of Rome; but the noble Lord said little of Prussia, though the case most analogous to that of Cardinal Wiseman had occurred in Prussia—the most recent instance of the intrusion of a Cardinal into a foreign country contrary to the will of, or without permission of, the Government of that country. This took place in 1829. A Cardinal Archbishop was appointed to Konigsberg, and the Prussian archives furnished an account of what the Prussian Government did on that occasion:—

> "When, in 1829, Pope Pius VIII. appointed Cardinal Albani Archbishop of Konigsberg, the first question he was asked was, whether his office included also civil authority. His reply was, only spiritual."

Mr. Newdegate here begged the House to observe the strict analogy up to this point between the conduct of Cardinal Albani and Cardinal Wiseman: then, continuing the quotation, he read as follows:—

> "Thereupon he was asked to take the oath of allegiance to the Prussian Crown. He refused to do so on the ground that he could not serve two opposite masters at once, having as a Cardinal already taken the oath of supremacy both in civil and religious allegiance to the Pope. The question then arose whether the Toleration Act, as promulgated by the Congress of Vienna, permits a foreign Prince to appoint a dignitary in Prussia who has sworn civil obedience to the laws and authority of another country. The reply of the Prussian Cabinet was in the negative. The Act of Toleration only allows foreigners the free exercise of their religion, but not of the laws of their respective countries; and as the Catholic dignitaries have sworn allegiance to the Pope, it cannot be expected that they will, in the extended sphere of their operation as archbishops especially, pay much attention to the laws of the country, whenever they should think they are at variance with their conscience, and detection improbable."—*Prussian Church Archives*, p. 1622.

Note to the above:—

> "It is well known that the canon law allows the Catholic bishop to absolve a subject from oath of allegiance to his Sovereign, as may be seen in Ecclesiastical History, book vi., where Gregory, Bishop of Antioch, absolved the soldiers from their oath of allegiance to Philippas, saying that

he was 'intrusted with the affairs of heaven and earth.'"

Prussia was a Protestant country, and in that respect was in the same position as this country. But what was the determination of the Prussian Government? The Prussian Government directed an escort to attend the cardinal to the frontier, which Cardinal Albani never recrossed. That was the last instance of an intrusion of this kind. True, a circumstance occurred of another kind, when a Roman Catholic archbishop, in 1837, came into collision with the Prussian Government. He referred to the Archbishop of Cologne, and his proceedings against the laws of the country. It was held that the proceedings of the archbishop were a direct violation of the laws. From the *Prussian Church Archives* he obtained the following particulars:—

> "In 1837, Drost, Archbishop of Cologne, committed a series of acts in direct violation of the laws of the country; and when remonstrated with by the Prussian Government, replied in a public document addressed to the Prussian Cabinet, that 'having sworn allegiance to the Pope, and obedience to the old statutes of the canon law, he can have but one master and one law, namely, that of Rome and the holy father; any law or even concordat established in contradiction of the canon law, or the free will of the holy father, is null and void, and so is every oath taken on matters where civil law disagrees with the canon law.' He was banished to the fortress of Minden."

Did the Prussian Government submit to this? Not a bit. They took care that the archbishop should be placed under surveillance until arrangements were made with Rome to relieve the Government from the inconvenience of the archbishop's notions of allegiance. The case of Archbishop Drost was not so much in point; but he cited it to show how little foreign Governments submitted to the assumptions of the Church of Rome. But the case of Cardinal Albani was exactly analogous to that of Cardinal Wiseman, and proved that other countries would not allow these intrusions of the Pope, and that when a cardinal was intruded on them, they knew how to serve and protect their Sovereign. He lamented that the noble Lord had not adopted some such steps in the first instance. They could then have considered the question calmly, and have decided on the most fitting measures to suit the emergency. But at this moment we had a cardinal at the head of the Roman priesthood in England, using all the means at his command to disturb men's minds rather than to promote the public peace, and attempting to carry measures dangerous to our religion and to the best interests of society. The noble Lord had permitted a cardinal to establish himself here, exercising jurisdiction and commanding obedience on the part of all Roman Catholics, on pain of the refusal of the sacraments and the penalty of excommunication. He had the other evening shown from high Roman Catholic authorities that Dr. Cullen had in no wise exceeded his commission in what he had done, but that he had acted only up to his proper power as legate *a latere*. But he wished to call the attention of the House to another point. The House were anxious to prevent the complete synodal action of the Roman Catholic Church from being established here; the only way to prevent it was to exclude those persons who had the requisite authority from Rome, which alone could render synods canonical. No national synod could be summoned unless summoned by a legate *a latere*, and unless presided over by a legate *a latere*. Its decrees were not canonical. This explained the fact of the appointment of legates to this country and Ireland. The reason why the Pope had sent legates here invested with authority to summon and preside over synods was, that by the decrees of the Council of Trent no national synod should be held canonical, and its decrees therefore binding on the consciences of all Roman Catholics, which was not convened and presided over by a legate *a latere*. If we permitted cardinals and legates to reside here, the synods they would summon would be nothing more than committees to work out those measures, the principles of which had been previously settled and decided at Rome, for they were invested with the full controlling and appellate power of the Pope himself, but their decrees would be binding on the consciences of Roman Catholics. He was not surprised that the Roman Catholic priests in the district of Beverley recoiled at the idea of being put under the domination of Dr. Wiseman, the representative of the Pope. It appeared from their petition that they did not wish their liberty to be limited by being placed under the administration of Dr. Wiseman. What did these Roman Catholic priests in their petition pray for?

> "Translation of 'An Address and Memorial to his Eminence Nicholas Cardinal Wiseman,

> Archbishop of Westminster, &c., agreed to by the Roman Catholic Clergy of the Diocese of Beverley, in meeting assembled at Selby, in Yorkshire, on Tuesday, the 14th of January, 1851, the Very Reverend the Dean of the District being in the chair,' &c., &c.

"They therefore ask, and they ask with confidence—1. That their ecclesiastical constitution be compounded of these four ingredients—that is, the civil law of England, the canon law (in spirituals) of the Catholic Church, the common law, and the just and equitable statute laws of their beloved country; for they are convinced that these would constitute, if properly compounded, a safe, salutary, and uniform system of ecclesiastical legislation for the Catholics of England. 2. They deprecate all spiritual interference with the civil rights of individuals, in reference to property, knowing as they do the fatal consequences arising from such interference in a country where Catholic bishops cannot exercise any civil authority whatsoever, in order to carry out the sentences of spiritual tribunals. 3. They deprecate the introduction of any mere foreign system of ecclesiastical legislation, as obnoxious to their own feelings, and as hateful to the millions by whom they are surrounded, and with whom they are in constant intercourse. 4. They implore your Eminence to oppose the establishment of any spiritual courts which may in the mode of their construction be liable to the imputation of undue influence, such courts being in England held in utter abhorrence, and in all countries condemned by men who have been matured in the principles of rational freedom. 5. The memorialists have long borne, but they have borne with an impatience subdued only by a sense of religion, the system which has prevailed in the nomination of bishops. On this point they now look forward to a complete change—a change which may give to the governed an effective affirmation in the nomination of those who are to be their governors, &c., &c.

"Finally, the memorialists beg permission to assure your Eminence that they anticipate a favourable reply to this their dutiful address and memorial, for they are convinced that the contemplated restoration of the hierarchy without these measures, instead of conducing to the advancement, will be the cause of the deterioration of religion in England, &c., &c.

"And the memorialists will ever pray that the contemplated government, so constituted, may be long and prosperous in reference to your Eminence, and in reference to the Church so long as the Church itself shall exist."

Now, he would fearlessly ask any impartial man, whether the contents of this petition did not clearly evince the apprehensions these Roman Catholic priests entertained, of the nature of the system they anticipated as likely to be enforced upon their compelled obedience, if this aggression was left unrepelled—and whether this petition did not afford internal and sufficient evidence of the tyranny which Dr. Wiseman had come to exercise in England? After this it was in vain to tell them they were not defending the liberties of the Roman Catholics as well as the liberties of the nation. He had heard many opinions broached as to the reasons which had induced the Pope to make this aggression—as to what had induced him to outstep the former cautious usages of the Court of Rome with reference to this country, and to evince an unusual zeal in his determination to establish a hierarchy here. Cardinal Wiseman had given the reasons in his *Appeal.* They were almost all connected with the Acts of that House, or with omissions of duty, committed by the present or former Governments. Dr. Wiseman stated that the institution of the hierarchy had been made on the following considerations:—1. That previous to 1847 the Catholics were still under the pressure of heavy penal laws, and enjoyed no liberty of conscience. Now, if this was true, and the aggression was unjustifiable, the removal of those penal laws to the extent they had been relaxed, was condemned by that very fact. As for the assertion that the Catholics had enjoyed no liberty of conscience under our former laws, he thought the petitions of the priests of Beverley showed that they considered that they had enjoyed more liberty under those laws than they were likely to do under the authority of the new hierarchy. The next reason given by Dr. Wiseman was, that the religious orders of the Romish Church had no houses in England. And here it was worth while to consider what the recent establishment in this country of the religious orders of the Romish Church had to do with this aggression. The truth was, that they were the police for enforcing synodical decrees—the tools, the instruments which the Romish Church knew so well how to employ. The third reason given by Dr. Wiseman was, that there was nothing approaching to a parochial division. But how could a parochial division be needed in England for a Roman Catholic population of not more than 1,500,000 souls? The truth was that this parochial division was not needed for the Roman Catholics, but was intended for the conversion or rather annoyance of Protestants. The fourth reason given was the increase which had taken place in the number of Roman Catholic chapels and ministers, which if it proved anything, proved that Roman Catholics had suffered no persecution, but presumed upon the toleration and liberty they enjoyed. Thus Rome used toleration only for the purpose of aggression. Now, keeping all these things in view, it did appear to him that the Bill before the House would do nothing to prevent the exercise of the powers delegated by the See of Rome, or to render illegal the convening of synods, and the enforcement of the Roman canon law by their decrees. He now begged the attention of the House to a curious and important document which had been sent to him in 1847, and which he had carefully preserved, as strikingly illustrative of the manner in which the decrees of any national synod introducing the canon law would be enforced under the authority of a hierarchy, such as the Pope had thrust upon England. In 1847 a Bill was introduced by the hon. Member for Youghal for the purpose of regulating Roman Catholic charitable bequests. Strange to say, the Roman Catholic Members, instead of supporting the Bill, threw cold water on it, so that the hon. and learned Gentleman was obliged ultimately to withdraw it. The Bill had not, as it appeared, been introduced *permissu superiorum.* The document he held in his hand was a report upon this Bill from the Law Committee of the Association of St. Thomas of Canterbury, to which Dr. Wiseman and he (Mr. Newdegate) believed all the vicars-apostolic, in 1847, belonged. It was signed by the Secretary of the Law Committee of St. Thomas, Canterbury, and he thought fully explained the opinions entertained in 1847 by that association as to the mode in which England should be dealt with on the establishment of the canon law. Of the third clause of the Bill this report stated—

> "The first part of this clause implies what other provisions of the Bill now under consideration express more distinctly (secs. 6 and 7)—that in cases where, for instance, property has been left to a bishop under circumstances which enable the Court of Chancery to presume a charitable trust, but no express objects have been provided by the donor or testator, the bishop shall be compellable to make public the administration of the fund, and on the suit of any volunteer plaintiff to account to the Court of Chancery for the same. In cases where the donor has by express direction left the distribution of his charity to the discretion of the trustee, the Bill provides that there shall be no public enrolment and no publishing of accounts (secs. 6 and 7). But that in a large proportion of Catholic charitable trusts, in which the property has in fact been left to the absolute discretion of the ecclesiastical trustee, but without any express direction to that effect, it is proposed to enforce most unreserved publicity. This your Committee consider to be very objectionable, and particularly oppressive in its application to trusts already in existence, &c.
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> "To compel a Catholic bishop or other ecclesiastic to produce an account before a Protestant and lay tribunal, where the donor has reposed implicit confidence in him, and has left his discretion entirely unfettered, would be in the highest degree oppressive. In many cases the best possible application of the fund might be for purposes which no bishop worthy of the name would consent to disclose, and which no threats or compulsion of the Court of Chancery, or any other lay tribunal, could wring from him."

With regard to another portion of the clause, this report stated—

> "Another portion of the clause (clause 3), though probably introduced with a different intention, is still more objectionable. It permits the Court of Chancery to sanction the usage of twenty years, 'so far as the same shall be found to be in accordance with the doctrines, discipline, canons, laws, customs, or usages of the Church of Rome, and not further or otherwise.' By this provision a bishop can be compelled, by a suit instituted, or a petition presented, by any layman—one of his own rebellious subjects may be—to appear before a Protestant court, and prove to its satisfaction that the bishop's administration has been in accordance, not merely with the canons and discipline, but even with the doctrines of the Church; and by other clauses of the Bill every facility is given for calling bishops to account in this manner. It is no answer to this objection that, in the existing state of the law, bishops are exposed to a like inconvenience. The existing state of the law is, in this respect, a grievance of which the removal should be sought; but to make the Catholics of England parties to its extension and aggravation, as would be the case were this Bill to become law, is a policy to which your Committee can by no means consent.
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> "In the Catholic Church the bishop, as your Committee learn, is not merely an administrator—he is a judge, acting sometimes with the ordinary formalities of courts, at other times summarily and without any formalities whatever.
>
> "The temporary court ought to derive its knowledge of Catholic canon law and usage not from its own vague and unlearned inquiries, but from the authoritative sentence or the certificate of an English bishop, in the first instance, and ultimately from the authoritative sentence of the great Roman tribunal—the highest court of appeal."

It was clear from this clause (Mr. Newdegate observed) that those men proposed to use the Lord Chancellor of England as the mere bailiff, first to the Roman Catholic bishop, but, on appeal to the Pope for the execution of the Roman canon law unmitigated, at the dictation and under the authority of his delegate, Dr. Wiseman. The Committee then went on to say—

> "Your Committee deem the fourth clause even more objectionable (if possible) than the third. They (the terms of the clause) indirectly provide,

or are intended to provide, that the holder of an ecclesiastical function—a priest or a missionary for instance—shall continue to enjoy the income of the mission until he has been formally tried and found guilty of some specific offence. The clause is in effect an instruction to the Court of Chancery to see that suspended priests have had the benefit of a canonical trial; to inquire into the nature of their offence; to pronounce whether these offences are sufficiently specific to justify removal by their bishop, and in all respects to act as a court of appeal from the bishop's judgment seat."

The Bill, therefore, (Mr. Newdegate again observed) of the hon. and learned Member for Youghal had been condemned by the Law Committee of the Association of St. Thomas, Canterbury, because he wished to protect Roman Catholic priests from suspension and removal without a trial. The Committee went on to declare that what they proposed was in accordance with the opinions laid down by the Bishop of Digne, a high authority in France on the subject of the canon law; and then they went on to state—

> "It is not every case of supposed criminality in which a priest is entitled to a trial before suspension. On the contrary, it is the gravest offences of all which, for avoiding scandal, gives the bishop the right of suspension without trial."

The Committee then proceeded to quote the decree of the Council of Trent (sess. 14, 1). Benedict XIV., De Synod. Diocese, lib. 12, c. 8, s. 4, as follows:—

> "'So true is it, that a bishop can, by virtue of the aforesaid decree, for reasons best known to himself, interdict a priest from the exercise of his sacred functions, that he is not even bound to make known the cause of suspension or the crime to the very criminal himself, but only to the Apostolic See, if the suspended priest shall have recourse to that tribunal.' This attempt, therefore, by a side wind, and through half a clause in an Act of Parliament, to enforce, first, the irremovability of the clergy; secondly, the revival of the bishops' courts, with their impossible method of technical procedure; and, thirdly, the necessity of trial in all cases, even in those in which a trial is not necessary by canon law, may be pronounced wholly inadmissible and fatal to the clause of which it forms the substance."

It was pretty clear, therefore, what those men meant by the application of the canon law. Adverting to the jurisdiction of the Court of Chancery, and speaking of the 5th Clause of the Bill, they state—

> "Your Committee considers the 5th Clause extremely objectionable. When any charitable property has been wholly or in part diverted from the use to which it was given, this clause gives the Lord Chancellor power to order total or partial restoration of such property, &c. Surely this is not the way in which Catholics would seek to adjust whatever may have been erroneous in the management of their affairs."

They had seen several acts of attempted misappropriation of bequests, lately exhibited by the nominees of the Pope—these intruded bishops; and he hoped the House would forgive him for introducing these extracts, and not making the assertions which he had done merely on his own authority. When the House considered on whose authority this report was issued, and by whom it was framed, they could not doubt either its authenticity, or the nature of the system its authors intended to establish. He had said that Dr. Wiseman looked to the religious orders as the instruments of his spiritual tyranny. He wished, therefore, to call the attention of the House to the increase that had taken place in the number of Roman Catholic religious establishments within the last few years. It appeared, from the *Roman Catholic Register*, that the number of convents in 1847 was 34; in 1848, 38; in 1851, 53; being an increase of 19 within four years. He was not aware of anything so peculiarly attractive in those establishments as to make Protestants rejoice at the increase in the number of them; but this he knew, that they would be neglecting to guard the liberty of their fellow-subjects, social and political, if they did not pass some law for the regular inspection of religious houses. The House could not but recollect the petition which the hon. Member for the University of Oxford had presented the other day from a gentleman lately a Member of that House, Mr. Craven Berkeley, respecting a young lady who was immured in one of those prisons—for so he might call them. No one who looked at the facts of the petition could doubt the necessity of legislating on the subject. What was the Lord Chancellor about—what was the keeper of the conscience of our Protestant Queen about—that he permitted his ward—a minor—to be placed, against the will of her nearest relative, in a convent, excluded from the world? The power of that high functionary must be strangely crippled if such things were allowed to go on—if, in spite of the remonstrances of the girl's nearest friend, she was to be estranged from the nearest and tenderest ties interwoven with human nature, and retained in the seclusion of a convent, exposed to every art by which her property might be wrung from her to aggrandise the religious order in whose power she was. Let them not attempt to call this a land of liberty if such things were allowed to be done with impunity, or to be done at all. He was sorry to say that in his own county there were several convents. Some years ago, a nun escaped, or attempted to escape, from one of them, but was taken back. Nothing further was known of her fate; but this was well known, that within a week 15 cwt. of iron stanchions were put in the windows of the convent, and that it was now as complete a prison as any in the county of Warwick. The people who were immured in these places mouldered and died. No account was given of their illness or death. No coroner's inquest was ever known to have taken place with respect to any person who had died in a convent. He did hope that means would be adopted for visiting and inspecting these establishments, where all was at present so shrouded from the public eye. He came now to the monasteries. Their number in England in 1847 was 8; 1848, 11; 1851, 17; being an increase of nine within the last four years. He wished to know whether or not the noble Lord intended to give effect to the clauses in the Act of 1829, relative to the regular clergy of the Romish Church. After the declaration made by Dr. Wiseman, that the establishment of religious houses was one reason for the late aggression, the country was fully entitled to call for that registration and surveillance stipulated for on behalf of the Protestant people and constitution of this conntry, in the Act of 1829. Not for the life of him could he understand how, after four months' consideration of the subject, the noble Lord had been so forgetful of these provisions of that Act to which he had been so often referred in terms of approval. If there were no other reason for enforcing these provisions, the increase of nine in the number of monasteries in the last four years was sufficient. But there were other reasons. He had seen it stated in a letter in the *Morning Herald*, that a very great increase had taken place in the number of Jesuits in this city. It was well known that he was no great admirer of the order. He shared very much in the opinions expressed on this point by the hon. Baronet the Member for Tamworth, in the very able and manly speech which he delivered the other night on this subject. The hon. Baronet spoke of the Jesuits of his own knowledge —he had seen their evil workings in Switzerland, in a republic where two-thirds of the people were Protestant, and the other third Roman Catholic, and he had warned the noble Lord opposite to look well to the matter. He (Mr. Newdegate) had certain information that there were no Jesuit missions in London till Dr. Wiseman became vicar-apostolic; that he recommended and sanctioned the order, and that he had since declared in his *Appeal* that an increase of that and the other religious orders would enable him to enforce the decrees of his master. It was full time to look to their proceedings. The plain matter of fact was, that the regular orders of the Romish Church, and more particularly the Jesuits, were the teeth, the head, and front of this aggression. The House might rest assured that the Jesuits had not been without their share in all the late disturbances in Europe. Their order formed a polity of itself, bound by oaths of implicit obedience to their own officers, and, through them, to the Pope. Their constant aim was universal dominion. They were truly cosmopolitan in their principles. They cared not what were the institutions of the country in which they happened to dwell—whether they were a blessing or a curse to the people — they only considered these institutions as they subserved or were opposed to the insatiate ambition of their order. History showed that they stopped not at any crime, if they thought the commission of it necessary to their ends. The hon. Member for Cork claimed for them the other night the first announcement of the doctrine of the sovereignty of the people. Had they yielded obedience to that doctrine in the republic of Switzerland? The fact was, if they found a republic that was independent, they would never cease labouring for its overthrow—if they found a monarchy which they could not control, they would plot night and day for its destruction. This doctrine of the sovereignty of the people was invented by the Jesuits merely to enslave the people, after using them to destroy all authority save their own. It was the doctrine taught by Casaubon, by Emanuel Sa, and Mariana, that infamous Jesuit who incited Ravaillac to stab his sovereign, Henry IV. of France, in the streets of Paris. An increase in the number of Jesuits had taken place in this country, and the Protestant subjects of Her Majesty had a right to ask that some account should be taken of these aliens and their aggressions. He begged the attention of the House to the opinion of the noble Lord the Foreign Secretary, with regard to the Jesuits. In a despatch to Viscount Normanby, dated November, 1847, the noble Lord wrote—

> "The society of Jesuits must be looked at both in a religious and in a political point of view. In its religious character it is a society avowedly established to make war upon the Protestant religion. What wonder then, that in a small country like Switzerland, where two-thirds of the people were Protestants, the introduction of such a society should give rise to dissension between Catholic and Protestant, and should be viewed with aversion by the majority of the nation? In its ecclesiastical character the Society of Jesuits is known to be exclusive and encroaching. Can it be surprising, then, that in Switzerland, as in other countries, a great portion even of the Catholic population should look upon the Jesuits with jealousy and dislike?"

The present Pope, from the day of his election, had been lavish in his expressions of favour towards the Jesuit order. He warned the noble Lord that if he allowed much longer time to elapse before dealing with this matter in this country, the Jesuits would turn prescription into a reality. The people would not be satisfied with the present Bill. He could scarcely believe the noble Lord was prepared to permit the residence in this country of an ecclesiastic with full legatine powers, which might be used here as they had been used in Ireland, contrary to the declared intentions of the Legislature and the Crown, declared in the Diplomatic Relations Bill so late as 1848. Legates *a latere* could not manage our affairs, but interfere with them they would, and the chief agents of this interference would be the regular orders of the Church of Rome, and, above all, the Jesuits. The people of Switzerland, where the Protestants were two-thirds of the population, had strenuously opposed the introduction of the Jesuits; and the Protestant people of this country viewed them with equal dislike. Many of the Roman Catholics of Switzerland had participated in the feelings of their Protestant fellow-countrymen on the subject; and he doubted not that such was also the case in England. He entreated the noble Lord (Lord J. Russell) not to conceive that the House and the nation would be satisfied with the measure then under consideration. If he allowed these acts of aggression to acquire a prescription, they would be held to confer a right; and when once that right was acknowledged, it would become obligatory upon their Roman Catholic fellow-subjects. He spoke the sentiments of peaceful men when he said that they were willing to be protected from this aggression by the law; but if they were not so protected, they would take the matter into their own hands.

Mr. KNOX wished to express his indignation and that of the people of Ulster at the conduct of the Government with regard to this Bill. The letter of the noble Lord at the head of the Government had been regarded by every Protestant in the kingdom as an indication that he intended to do his duty to the country in protecting its religion. When, however, the noble Lord brought forward a measure, it turned out to be a milk-and-water affair, and did not by any means bear out the declarations contained in his celebrated letter. What followed? Some hon. Members threatened the noble Lord with a civil war in Ireland; and, in consequence of that absurd threat, the Bill was reduced to a wretched remnant, and would have no effect whatever in preventing the assumption of power by the Roman Pontiff. He (Mr. Knox) wished to take that opportunity of contradicting an assertion made theother evening by the hon. Member for the city of Dublin, that Ulster was perfectly indifferent as to the measures that might be taken on this subject. He could only say that the Protestants of Ulster were as angry at the Papal aggression as they now were at the conduct of the noble Lord, who, with the support of a minority of that House, held the reins of Government. He hoped that Ireland would be included in any measure that might be carried through the House; for he considered that the omission of Ireland would be a breach of the Act of Union.

Mr. M. POWER thought that some of the speeches which had been delivered by supporters of the Bill were better suited to the atmosphere of Exeter Hall than to a calm and dispassionate deliberative assembly. The question was whether the Pope, by the creation of a Roman Catholic hierarchy in this country, had invaded the supremacy of the Crown, the rights of the Established Church, and the independence of the nation; and unless that could be shown by the evidence of clear and indisputable facts, he, for one, would feel himself justified in denouncing the present Bill as a persecuting measure, and one that ran counter to the great and glorious principles of religious toleration. The question must not be decided by old and musty dogmas, not by arguments drawn from obsolete canons, not by appeals to the *Index Expurgatorius*, or the oft-refuted calumnies against Jesuits and the Catholic religion. The charge must be made out on evidence and clear facts, and unless it could be so made out, he, for one, could not feel justified in assenting to a persecuting measure—a measure that ran counter to the great and glorious principle of religious toleration. If the arguments adduced by the hon. Member for North Warwickshire were arguments against the Papal aggression, they were still stronger arguments against the existence of the Catholic religion at all. If they were good for anything, they would go to that extent. The noble Lord at the head of the Government rested his case on the Pope's brief conferring upon the bishops territorial jurisdiction; but in his speech he took good care not to mention the broad distinction that existed between civil and spiritual jurisdiction. The hon. and learned Member for the city of Oxford, seeing the force of the argument drawn from this distinction, dexterously shifted his ground, and drew a distinction between spiritual and ecclesiastical jurisdiction. But such a distinction could not be drawn in the case of a Church. The leading principle of the whole system was, that it should be governed by a hierarchy. He denied that Roman Catholics believed that the Pope had any civil jurisdiction or authority in these realms. The bishops of Ireland made an oath to that effect before a Committee that sat in 1825; every Roman Catholic Member swore to the same thing at that table; and yet in the teeth of these oaths and declarations, they were told that their allegiance was divided. He was not aware that the supremacy of the Queen over the Protestant Church had ever been questioned by Roman Catholics, although it had been questioned by some of the bishops, and not a few of the laity, of the Established Church. Now a hierarchy was essential to the Catholic Church, and the right of the Crown to the appointment of Catholic bishops never having been asserted, it must be that the right existed somewhere, and that must be in the head of the Church to whom the Catholics yielded obedience. If by passing that Bill they prevented the Catholics from completing the organisation of their Church, what became of their boasted toleration, and where was freedom of conscience, which they so loudly proclaimed? When the hon. and learned Solicitor General was consulted by the noble Lord, whether the assumption of these titles was contrary to law, the hon. and learned Gentleman's answer was, that it was not against the law to assume these titles; but the same hon. and learned Gentleman, in his speech the other night, asserted that to assume these titles was contrary to law. Now, which of the two conflicting and opposite statements of the hon. and learned Gentleman was the House to receive? But the hon. and learned Gentleman also stated that the office of bishop implied a temporal jurisdiction. Now in countries where bishops were barons, and enjoyed seats in the legislature, it was true that a temporal jurisdiction was implied; but where the bishops were not acknowledged by the State, nor derived any advantage from it, it was absurd to assume that their appointment gave any temporal jurisdiction. But if they had a temporal jurisdiction, where then was their power to enforce it? The hon. Member for the West Riding had told them that the entire naval force of his Holiness the Pope consisted of one gun-brig and two sloops of war; and he was only supported in his position at Rome by French bayonets. It was utterly absurd, then, to suppose that the Pope or any of his bishops could enforce any temporal power in this country. But the noble Lord the Member for Bath had attempted to weaken this argument by pointing to the assistance the Pope recently received from three great Powers on the Continent. But if Spain, France, or Austria assisted to restore the Pope to his temporal authority in Rome, was it for a moment to be supposed that either of these great Powers would assist the Pope in enterprises of conquest against Great Britain? Yet that was the chimera which had frightened the timid and romantic Member for Bath, who, moreover, had been so scared at the sight of two Roman candles in the church of St. Barnabas, that he had fled with his Lydia to the river's bank. It was surprising that a simple change in the internal organisation of the Catholic Church should have so generally stirred up the worst passions of the human breast throughout the country. If the measure had in any way interfered with the allegiance which Catholics owed and acknowledged to the Sovereign of the realm—if it had encroached upon the privileges or diminished the revenues of the Established

Church in any manner, then indeed there might have been some just cause for alarm, and for the interference of the Legislature; but, as they had been repeatedly told, the very charge against which there was so much outcry placed the Catholic bishops in a position of greater independence of the Holy See than they were before, and enabled them more effectually to resist those very encroachments of the Holy See which the country so much dreaded. What had been the operation of an independent Roman Catholic hierarchy in Ireland? The Catholic bishops in Ireland had maintained from an early age a struggle of resistance to the interference of the Sovereign Pontiff, such as with regard to the Gregorian calendar, and the time for the observance of Easter; and denying also the right of the Pope to levy money from that country. And this determined resistance, he believed it was, that caused the Sovereign Pontiff to hand over Ireland to the tender mercies of Henry II. In Spain, again, the Catholic bishops were the first to proclaim the right of the negro to be free; in South America the Catholic clergy headed the people in their struggles against despotism, and to secure their own independence; in the United States of North America, also, when the Puritans of New England persecuted the Episcopalian Protestants, and when the Quakers in Pennsylvania persecuted the Presbyterians, the persecuted fled to the Roman Catholic colony of Maryland, which was the first to proclaim the great principles of religious toleration. If the creation of a Roman Catholic hierarchy was an invasion of our national independence, why was it that the United States of America, who were most jealous of their independence, allowed a Catholic hierarchy to be established quietly there? There the Catholics had their bishops and archbishops, and not a year passed without some addition being made to their number; and yet we heard of no disturbance or excitement on that account. But the truth was, that the United States were not saddled with an Established Church, like ours, which was perpetually trembling for its existence, and at every change, or every reform, however necessary, raising the cry of "The Church in danger!" But if the garment of the Protestant Establishment was rent, it had not been torn by the Roman Catholics, but by the members within her own pale. He solemnly believed, that if Puseyism had not reared its formidable front within the Church, the change in their own organisation which the Catholics had effected, would have been suffered to pass with little or no notice. If it had not been Puseyism, they would not have seen the *Comedy of Errors* enacted in Downing-street, nor *Much Ado about Nothing* played of late on every platform in the country. Could not the noble Lord then have reformed the evils in his own Church, without trenching upon the liberties of another Church? It was surprising that the noble Lord should not have learnt from history, in which he was so well versed, that penal laws and persecution were not the proper means for putting down an obnoxious religion. Persecution had been tried for 300 years in Ireland, and they all knew well how signally it had failed. This Bill, whilst it would not effect the object for which it was intended in England, with regard to Scotland was a positive injustice. Protestant bishops and Catholic bishops stood both in the same relation to the dominant religion in Scotland, and yet the Protestant bishops in Scotland were not to be included in this Bill. The colonies were not to be included, because the Queen's supremacy did not extend to them; but, he would ask, was the Queen's supremacy paramount in Presbyterian Scotland? The right hon. Baronet the Home Secretary declared that the Protestant bishops in Scotland had assumed territorial titles without the shadow of a lawful right. Why, then, were these bishops to be specially excepted from this Bill? Were these not cases of gross partiality and monstrous inconsistency? The Irish people were naturally in a state of indignation at having their ancient hierarchy (which they had had unbroken from the days of St. Patrick down to the present) unnecessarily interfered with; and the intolerant legislation of the noble Lord was calling again into existence among them that Roman Catholic Association which they had, it now appeared, vainly hoped was for ever buried in oblivion. Unless they wished to rekindle and perpetuate religious strife and sectarian rancours—unless they wished to make Ireland continue the difficulty, not merely of the present, but of all future, Administrations — unless they wished to alienate still more strongly the feelings of the Irish people, and to render their government impossible without a standing army of at least 40,000 men—unless they wished to endanger the peace, and to retard the prosperity, not merely of Ireland, but of the empire at large, he implored them to reject the measure now under discussion.

MR. HENRY DRUMMOND: * Sir, I cannot consent to confine the subject of this discussion within the narrow limits which the hon. Member who has just sat down would prescribe for it: the question which we have to decide is no less than this: Whether the Papists shall remain a tolerated sect under the dominion of the Queen? or, Whether the Queen shall become a licensed heretic under the dominion of the Pope? We have further to determine—Whether we would have one-third of the inhabitants of this empire, under the pretext of "a religious development necessary to their system," governed by a law unknown to, and unrecognised by, the remaining two-thirds, and which that one-third part maintains to be superior to both the common and statute law which govern alike the whole community? These questions will not be terminated by this night's debate, nor by this Bill, nor by a hundred such; for the Pope has raised a storm in this country which will never be allayed again in the lifetime of the youngest person present.

Before engaging, however, with the main body of the Pope's army, I must say something to the skirmishers who have been thrown out in the front of the battle. And the first of these to which I would direct your attention, is the Philosophers, who, elevating themselves into a position from which they affect to look down upon all sublunary contests, care little, like the Turk, whether the hog eat the dog, or the dog the hog—whether the Papist eat the Protestant, or the Protestant the Papist—and recommend us to stand aloof, to do nothing, but allow all things to take their course. It is a pity that these philosophers did not think the same two years ago; for they then did condescend to come down from their height, and meddle with a Bill that was sent up from this House; and gave as a reason for inserting a clause which has justly offended the Pope, that they would not allow him to send an *alter ego* here; and now the Pope, instead of sending an *alter ego,* has sent a part of himself—*pars ipsius corporis,* as a cardinal is called. We are indebted to an Irish writer for showing us the real value of philosophers in all sublunary matters; and whoever has read the "Voyage to Laputa," can have no difficulty in estimating the worth of philosophers in all that relates to the conduct of mankind.

I must, in the next place, warn the House against supposing that the Roman Catholic Members are better acquainted with the details of Popery than any others. I am sure that the hon. Member for Cork (Mr. Fagan) is as incapable of saying anything which he does not believe to be true as any Member of this House; nevertheless, he did distinctly deny, during a late debate, that there was any difference between the Court of Rome and the Church of Rome; this was refuted; yet, nevertheless, at a subsequent period in the debate, up jumps the hon. Member for Dublin, and repeats the same thing. But what does Dr. M'Hale say?—and surely both these Gentlemen must bow down to him—he says, in his evidence before the Education Committee—

> "The doctrine and principles of the Court of Rome are not sufficient to establish the doctrine of the Catholic Church; we distinguish between the Court of Rome and the See of Rome; for the Court of Rome may be a scene of much intrigue and cabal, without affecting, at the same time, the authority of the Holy See, or decrees of the Catholic Church."

This is sufficient to show that the Roman Catholic Members do not know the doctrines of their own Church, and that the statement which I made concerning that difference was correct. Yet Dr. Wiseman declares that "it is the law of this country that divides the sovereign of the Roman States from the Bishop of Rome." Of all the impostures which are put forth by the Papacy, there is none more false than that it is unchanged and unchangeable; for it has been continually changing, and every change was to give increased power to the priests, and to take away some right from the laity. The philosophers who tell us to let such a system alone, had better remember the words of a French Minister to the Senate in the time of the First Consul, who said—

> "The Catholic religion is that of the vast majority of the French nation; to abandon so powerful an engine would be to desire the first ambitious knave or unprincipled demagogue who wishes to convulse France, to seize it, and direct it against his country."

For "France," read "Ireland." The object to be attained by the Papacy has never been lost sight of, and it retains the same means of effecting its ends which it ever had. It has been said that it is ridiculous to make such a fuss about an Italian priest, who is totally without power, save over the consciences of those who choose to believe in him. But the Pope has the same arms which he ever had. He never has had an army—he never has had a fleet—yet he has contrived to do as much mischief in Europe, to shed as much blood in battle, as Napoleon, or anybody else. He has kept his arms, but we have thrown away ours, with which we in former times successfully resisted him. It is asked, with infantile simplicity, " In what way can his present act be called an aggression? It is only a spiritual reconstitution, or development, of our hierarchical system." These are very pretty words; but if this be all that is required, how came the Pope to send here a Cardinal?—a Cardinal is not a spiritual person. It is so long since we have had a gentleman of this description in this country, that people have forgotten what sort of animal he is. Now I will show you what a Cardinal is in the words of a Pope himself. There was in France, in the reign of Louis XIV., a certain Cardinal Bouillon, a very worthless fellow, whom the king sent away: upon this the Pope wrote to his legate to tell the king, that—

> " It had never entered into the mind of the Pope to dispute the power of His Most Christian Majesty to dismiss from His service those Ministers and servants of whose conduct His Majesty is not satisfied, but only that His Majesty could not send away an ecclesiastic, and far less a Cardinal; and this not on account of any affection for Cardinal Bouillon, who has not applied for aid to His Holiness, but out of the zeal which he ought to have for the immunities of sacred persons and things. With regard to other ecclesiastics, these indeed, are born subjects of their King; but so soon as they receive any orders from the Church, they become exempt from all lay power, in order to become subject solely to the Apostolic See; and the King is endangering his eternal salvation if he thinks otherwise."

Such then is the faith of the priests of one-third of the population of Great Britain and Ireland; this is what they are endeavouring to establish by all their labours, by all their conversions, by all their insinuations into families, and decoying of the inexperienced. Bearing in mind this claim of the Pope for his priests, let us see the oath which the Cardinal takes to the Pope:—

> " I promise and swear that I, from this time forward, so long as I shall live, will be faithful and obedient to blessed Peter and the Holy Roman Apostolic Church, and to our most holy Lord the Pope and his successors, and will fight for their honour and standing against all, with all my endeavours and all my power."

If any one will take the oath of allegiance to the Queen also, he must intend to lie to one or to the other; the two engagements are incompatible.

Mr. Henry Drummond

With such instruments then, a cardinal sworn to fight for him against all others, and a body of bishops and priests " exempt from all lay power, and subject only to the apostolic see," the Pope proceeds to abrogate, annul, and destroy, all the sees of England, which have been established by the monarchs of England, from the days of King Ethelbert—a proclamation, such as the Queen herself dare not issue, and such as the Pope would not have dared to have sent to any other country than this. These are his words:—

> " Whatever regulations, either in the ancient system of the Anglican churches," [that is, before the Reformation] " or in the subsequent missionary state," [that is, subsequent to the Reformation] " may have been in force either by special constitutions, or privileges, or peculiar customs, will now henceforth carry no right nor obligation; and, in order that no doubt may remain on this point, we, by the plenitude of our apostolic authority, repeal and abrogate all power whatsoever of imposing obligation or conferring right in those peculiar constitutions and privileges, of whatsoever kind they may be, and in all customs by whomsoever or at whatsoever most ancient and immemorial time brought in," [that is, by our Saxon monarchs]. " Hence, it will, for the future, be solely competent for the archbishop and bishops,"

hereby setting aside all the rights of the priests and laity

> —" to distinguish what things belong to the execution of the common ecclesiastical law, and what according to the common discipline of the Church are entrusted to the authority of the bishops."

When Augustine came to England, having been consecrated a bishop in France, the King gave him a see, first in London, and then removed him to Canterbury. Yet a recent pastoral of Dr. M'Hale has the presumption, in defiance of the plain words of history, to assert that the Pope appointed Augustine to Canterbury. In those days Popes were kept in better order than to dare to parcel out kingdoms without the consent of their respective sovereigns; there is no instance of any Pope daring to set up a see of his own will, nor to abolish one; but it is hard to meet with one of these bishops' pastorals, that does not contain direct falsehoods, and perversion of facts intended to deceive. Unfortunately, such being the arrogant aggression which Cardinal Wiseman and the priests are appointed to carry out, there are never wanting parties to uphold him. So long ago as 1846, a Popish organ declared as follows:—

> " Calm your perturbation, ye excellent indivi-

duals, and submit with decent dignity to the inevitable. It is even so. It will be so yet more and more; you are only at the beginning of your perplexity. The Pope will speak more loudly than ever, and, what is more, he will be listened to. He will turn over your musty Acts of Parliament, with finger and thumb, scrutinising them with a most irreverent audacity; examining those which concern him;"—

How can Acts of a British Parliament concern him unless he be a foreign intruder into our concerns?

—"and when he has found these, rejecting some and tolerating others, with as much freedom as you use when you handle oranges in a shop, selecting the soft and the sweet, contemptuously rejecting the sour and rotten. And then—O dreadful thought!—he will insist upon being obeyed."

Yes, and will be obeyed by traitors, and can be obeyed by none else.

"What! the Bill was read three times in each House of Parliament; it was thrice passed; engrossed on parchment; garnished with a waxen appendage, by way of seal; and has had read over it pronounced by Royal lips, the mysterious and creative fiat, *La Reine veut*—The Queen wills it; the Lords will it; the Commons will it. What does it want to complete the perfect fashion of a law? Nothing of solemnity, nothing of force, which the imperial sceptre of this kingdom could give, is wanting to it. But truly it may want the sanction of religion: the Pope" [so he is religion] "snuffs disdainfully at it: an Italian priest will have none of it: it trenches upon his rights;"—

How can an Italian have rights in Britain?—

—"or rather upon his duties; it violates the integrity of those interests which he is set to guard; and, therefore, Commons, Lords, Queen, wax, parchment, and all, avail it very little. You may call it law if you please. You may enter it on your roll. You may print it in the yearly volume of your statutes. But before long you will have to repeal, or alter it, in order to procure the sanction of a foreign potentate, without which it has not in the end the value of a tenpenny nail."

Such is the amount of loyalty which is avowed by the servants of the Pope; and let it be remarked, that he and religion are held to be synonymous. The priests always call themselves "religion" in contradistinction to the laity; but it would be well for the laity to remind them of that which M. Isambert said respecting them:—

"You call yourselves religion, but we will make you understand that religion is one thing, and you are another thing."

There is another class of persons who object to any opposition by law against the Pope's aggression, which is the class of Utilitarians. One of these gentlemen said lately at a public meeting—

"If the Roman Catholics were to come to Parliament and say, 'The head of our Church has given us bishops, and we ask you to give these bishops power by law to enforce their jurisdiction,' then, I should say, that such a demand should be visited with the most strenuous opposition."—And again, "Tell me in what way these Roman Catholic bishops will interfere with my civil liberty, with my religious opinions, or with my purse."

We have been accustomed to hear much of the selfishness of this sect of Utilitarians in what relates to to the food of the people; they would open the trade in corn, because it increased the export of cotton, but they would not say a word in favour of malt, because cotton was not to be benefited; and now they have gone a step farther, and declared that no one was to be protected if these Utilitarians themselves did not happen to want protection. But did you so act towards negro slaves? Did they ask for protection? Did the factory children ask for protection? Do idiots, or insane persons, ask for protection? How can a poor young lady who is locked up, where she may be either starved or whipped to death, that the priests may clutch her money, ask for protection? [*Interruption, and cries of* "No, no!"] I assert that nunneries are prisons, and I have seen them so used. [*Violent cries of* "No, no!"] They have ever been either prisons or brothels.

The EARL of ARUNDEL and SURREY: I had only just entered the House when I heard the hon. Member for West Surrey (Mr. Drummond) say, at least so I understood him to say, though I hope I am mistaken in my impression, that nunneries were either prisons or brothels. Now, Sir, I wish to ask you whether an hon. Member is in order, who states that these nunneries, in which reside ladies who devote themselves to the service of God, and endeavour to attain to the perfection of all human virtues — I ask, whether it is proper, in this House, to use base terms so disgraceful of those institutions as have fallen from the hon. Member?

MR. SPEAKER: I must say, in reply to the appeal of the noble Lord, that nothing has fallen from the hon. Member for Surrey inconsistent with the freedom of debate. ["Hear, hear!" *and murmurs of dissent from some quarters of the House.*]

MR. MOORE spoke to order. He would suggest to the hon. Member for West Surrey that the subject of his observations was likely to excite retort and retaliation, and that it was not consistent with the dignity of the House to pursue a course which would lead to such results.

MR. DRUMMOND: I will show you presently what is "the perfection of all human virtue," in the minds and instructions of priests, and towards which the laity are advanced. In the meantime, I will show you that so far is the assertion in the pastorals of the bishops, that neither priests nor laity require protection, from being true, both priests and laity have petitioned against the very measures which the Pope has taken.

The noble Lord said on a former evening, that he had, with several others, signed a petition for the very measure which has been granted. He has not, however, shown us that petition: still if he says that he has really petitioned for that which the Pope has done, no doubt he has so petitioned. But then we must say that the petition of the noble Lord was exactly the reverse of the petition of other noble Lords, and of others of the Roman Catholic body, for I have here a copy of a petition signed by Lord Petre, Messrs. Riddell, Searle, George Rokewode, Douglas, E. Riddell, Innes, Tempest, Selby, Blount, Jerningham, Scully, T. C. Anstey, and many others. This petition is addressed—

> "To his Holiness Gregory XVI. in 1839. May it please your Holiness. The gracious attention which it has pleased your Holiness to pay to a petition presented about two years ago from a numerous and influential portion of Catholics of the northern district of England, praying for a subdivision of our districts, election by the rectors, as well secular as regular, of each congregation, the proper appointment of chapters, and enactment of laws duly considered and approved by the Holy See . . . . . cannot but increase our gratitude," &c., &c.

These, then, were the things petitioned for two years before 1839, and again in that year; but not one of these things is now granted, nor are they contained in the recent act of the Pope. Finding there was even at that time a beginning to work the very mischief that has now taken place, the petition goes on to state—

> "Our joy, however, has been checked by reports which seem but too well founded, of designs to impede by various means your wise intentions on our behalf. More especially we find that attempts are being made, with the risk of fomenting dissension amongst us, to deprive us of the expected privilege of voting in the election of chapters, and of vicars-apostolic, those missionaries who belong to religious orders," &c.

Thus, then, instead of that act of the Pope being in acordance with the prayer of the petitions of the Catholic laity, it is exactly in the teeth of those prayers.

This, however, is not all. I have here a copy of the petition of the priests, which is as follows:—

> "We, the undersigned, missionary priests of the Catholic Church in England, humbly and earnestly beseech the Sacred Congregation that the rank of bishops in ordinary may not be granted to the vicars-apostolic of England before that the rights of the parish priests shall have been granted to the missionary priests; . . . . and that, in the first place, there may be a code of laws touching spiritual things, ... some part given to the priests in the choice of their bishops, ... chapters duly constituted in each district, ... and that stability of place, and that parochial status secured, which hitherto, that is, down to the present generation of vicars-apostolic, was sanctioned by customary law; the which things not being granted, the latter state of the aforesaid clergy will be worse than the first."

Here, then, is proof positive that the aggression was not made in consequence of petitions from England. Moreover, there is proof that, in defiance of these petitions for a totally different thing, a cabal was going on at Rome, in 1847, in order to do the very thing that has now been done. I have here an extract from a letter written in that year from Rome to Mr. C. Dickens, by a Roman Catholic priest, under the signature of "Savanarola." He writes, in April, 1847—

> "If our intercourse with Rome is in favourable progress, a recent step on the part of your British 'vicars-apostolic' is, nevertheless, likely to create an awkward impediment. You are aware that these functionaries, originally four, were doubled during the last years of Gregory, and England is now divided into eight quasi-episcopal districts: viz., Metropolitan, York, Lancaster, Northern, Eastern, Western, Midland, and Wales. Not satisfied with this augmentation of their numbers, the vicarial body is just now in the attitude of Oliver Twist, 'asking for more.' Their new demand is, to have their *locus standi* in England no longer vicarial, i. e., removable at the simple will of the Vatican, but diocesan, with permanent, 'ordinary,' and irresponsible jurisdiction. If this were a mere matter of honorific title, and an approximation on the part of the English Roman Catholic prelates to the plenitude of hierarchy existing for the brotherhood in Ireland, it would be offensive only in the nostrils of jealous bigotry; . . . but the proceeding is deemed objectionable on other grounds: as seriously affecting the Roman Catholic body, clergy as well as laity, in England. The 'vicars' have not had the grace, in seeking to better their own condition, to raise up, by one common effort, their 'beloved clergy,' who are at present dismissible at caprice like themselves. They seek not the salutary control of a diocesan dean and chapter, according to the canonical arrangements of Catholic Christendom; they do not relish the assistance of irremovable rural deans, appointed for length of service, learning, and piety: no claims of parochial authority, as in Ireland, enter into their project for the 'good of the Church.'

"So far in spirituals; but here's the rub! in temporalities they want to 'carry the bag,' and to get transferred to their single separate names the pure and simple proprietorship of all the landed and funded property now vested in lay or clerical trustees, for Roman Catholic purposes throughout Great Britain. These accumulated funds, the legacy of bygone piety, have long been coveted; and as the law of England will not sweep away these solemn trusts at the bidding of the vicars, it is sought to carry the object into effect by the spiritual weapons of excommunication and ghostly terror, should Propaganda give powers to wield such questionable thunder for such still more questionable purposes.

"Considerable funds and rents are held by laymen in various countries in trust for Benedictine and Jesuit missions; but as these corporations are powerful at Rome, no attempt is made just now at usurpation in that quarter. The other lay patrons of Roman Catholic livings, holding such patronage according to the canonical usage of all Catholic countries (in right of original grants from the pockets of their ancestors), are all about to be despoiled of their immemorial rights, unless, being made aware of what is brewing in Rome, they instruct Roman lawyers and agents to resist the palpable spoliation, or, what would be more effectual, bring the matter under the notice of Pius himself.

"The system by which the vicars themselves are created is an anomaly unknown to Catholic Christendom. There is no election by a parochial synod as in Ireland: no principle of *detur digniori*. Caprice and cabal influence the result, and men of mediocrity and cunning will be sure to rise over the heads of such men as Lingard under the present arrangement. In fact, understrappers at Propaganda settle the spiritual affairs of Great Britain and her colonies just as they like; nor is it understood that these subaltern functionaries (who have the power of suppressing or distorting correspondence) are inaccessible to persuasions of an arithmetical character."

Such is the picture of the way in which the Church is infallibly guided by an infallible priesthood, drawn by a priest himself at Rome! Still we are told that this is only a question of titles; whereas we have it from the testimony of priests themselves, that the titles are not empty sounds, but are realities which ensure the grasp of the property of the laity.

To clench the matter still more firmly, I will read a letter from a priest, dated this very year, 1851, Jan. 27:—

"I have information from Rome that there is prepared a brief to force upon us the canon law of the Diocese of Rome. By that law bishops are, under their primate, absolute masters of all church temporalities; and the great motive for the creation of a mock hierarchy was the introduction of the same canon law, and the annihilation, consequently, of all hope of reviving the old free canon law of England amongst us. Thus would Rome succeed for the first time since the Conquest in her darling object—the introduction of her own canon law into England, to be enthroned upon the ruins of an ancient and homely canon law; an object not the less cherished by her now that almost every Catholic country in the world—even Piedmont and Sardinia at last—has rejected her legislation."

Another priest says—

"It is not true that they pretend to confine it to spirituals, but with the Cardinalities the distinction of spirituals and ecclesiasticals is not recognised; and so "spiritual" in their mouths means all things relating to persons and rights ecclesiastical, as benefices, patrons, congregations, incumbents, church lands, and the like . . Cardinal Wiseman is determined to be paramount in spirituals first, and then in temporals. If he succeed, all liberty is lost to us, poor clergymen; and succeed he will, unless Parliament interfere to save us."

It is clear, after this statement, that I am justified in saying that there is a portion of Her Majesty's subjects entitled to protection from this aggression on their rights. Dr. Ullathorne, in one of his pastorals lately says, "Aye, but let us know who these priests are; whether they are in full communion with the Church, or not." Dr. Ullathorne knew full well that if he could get hold of their names they would be dismissed instanter, without mercy and without redress. These men are mostly poor, without private funds, and being bred up to be ecclesiastics, are incapable of exercising any other vocation, and therefore dismissal to them is synonymous with starvation. Cardinal Wiseman says, in his first Lecture on the Hierarchy, that "not one obtains any increased power or jurisdiction over clergy or laity, or property or trusts, or any person or thing." The Cardinal is contradicted by his priests as plainly as language can tell him: they tell him that his assertion is the very opposite of truth; in short, they say, *totidem verbis et totidem literis*, that it is directly false: and this Lecture of Wiseman's is calculated to deceive the laity upon the extent of the power which he will henceforth have over their temporalities.

The power which the bishops possess has been exposed in some degree by Lord Shrewsbury, who has dared to let the cat out of the bag. In writing to Dr. M'Hale, his Lordship says—"Dr. O'Finnan, one of your Grace's suffragans, was dispossessed of his diocese at Killaloe, and another thrust into his place, as the successful issue of a petty intrigue at Rome." Dr. Mulholland appealed to the Court of Queen's Bench at Sligo, in 1837: but Mr. O'Connell advised him to submit, for no justice could be obtained for him.

It has been the fashion for many people to speak of the Papacy as a thing that is by no means in the present day that which it was in former times. The Popes, however, to do them justice, have never changed—have never abated one iota of their pretensions to the temporal as well as to the spiritual sovereignty of Christendom. When this is alleged, we are answered that we have been raking up musty records of bygone times, but that the principles of modern Romanists are totally different. Now I will defy any one to point out a doctrine of the Court of Rome which has been so continuously and unremittingly held as this. I have now before me extracts from the decrees of no less than twenty-one Popes and seven Councils, all claiming the right to depose temporal sovereigns, and all putting the doctrine in practice—at least, absolving subjects from their allegiance, when they could not attain to the other. Gentlemen may deny this if they please—if they find it convenient to answer present purposes; I will not venture to characterise such denials, but I will read to them what one of the Popes says of those who draw any distinction between his spiritual and temporal power. This infallible gentleman says that such deniers are "beasts," "members of Satan," and "limbs of Antichrist." It is further worthy of remark, that none of the books which maintained the Pope's temporal rights over all sovereigns have ever been placed in the *Index Expurgatorius*, whilst all which denied it have been. When it suited the purpose of Dr. Doyle to deny this, when Catholic Emancipation was wanted, he wrote to Lord Liverpool that

> "It must be quite obvious that these claims had not their origin in the gospel" [quite obvious indeed], "nor in the doctrine of the Catholic Church" [certainly in the doctrine of the Papal Church], "but in the state of society, in the mistaken zeal, or in the ambition of some Popes; a zeal or an ambition excited and directed by an insatiable avarice, pride, and thirst of power, in their followers and dependants."

This he wrote in his *Essay on the Catholic Claims*, addressed to Lord Liverpool in 1826. It is a pity that we do not take a lesson from Roman Catholic Powers, who know how to deal with the Pope's claims far better than we do: and when the Pope wrote—

> "Boniface, Bishop, servant of the servants of God, to Philip, King of France, fear God, &c., &c.; we wish you to know that you are subordinate to us both in spiritual and temporal concern."

The King wrote him back for answer—

> "Philip, by the grace of God, King of France, to Boniface, acting as Pope, little or no greeting: your superlative foolishness is hereby informed, that in temporal concerns we are not subordinate to any one."

Having then seen what are the Papal pretensions, their extent, and the unabated claims, let us see what means the Pope has at his command of enforcing them. It is said that he has no troops, and but one corvette, and that it is absurd for us to have any apprehensions on that account. Pray, when had he ever an army and a fleet? He possesses the same power now that Popes ever had—the power of excommunication. Many persons in this House do not believe in the efficacy of sacraments, and these say that if men are such fools as to be frightened by the fear of being excommunicated, they must take the consequences. Such persons, however, are not competent judges, because they cannot enter into the feelings of those who have faith in sacraments, and I should be very sorry to see that faith shaken. This argument is like that which was commonly used at the time of the Relief Bill, when it was said that the disabilities were no hardship at all, for the Papists had only to become Protestants. The difference lies here, namely, that the sacraments were given by God as instruments of blessing to the people; but the priests have taken them, and made them the means of exalting themselves, and of oppressing the laity. It is impossible for any deliverance from this oppression to come but for the laity themselves; Parliament cannot protect them, nor any law which it can pass; and one bad part of this Bill is, that there were symptoms of the laity remonstrating against the decree of the Synod of Thurles, which this Bill has now prevented their doing.

With this power of excommunication to back them, they reduce the laity to be the most abject of all slaves. We have heard just now something about advancement in evangelical holiness; now let us see what these words mean in the mouths of Popish priests. They teach that—

> "It is especially conducive to advancement—nay, even necessary—that all yield themselves to perfect obedience, regarding their superior, be he who he may, as Christ the Lord."
>
> "All which" [*i.e.* certain exercises] "they shall do at the appointment and judgment of their superiors, to whom, as in the place of Christ, they owe subjection."
>
> "And let every one persuade himself that they who live under obedience should permit themselves to be moved and directed under Divine

Providence by their superiors just as if they were a corpse, which allows itself to be moved and handled in any way; or as the staff of an old man, which serves him wherever and in whatever thing he who holds it in his hand pleases to use it. Thus obedient he should execute anything on which the superior chooses to employ him, in the service of the whole body of the Society, with cheerfulness of mind, and altogether believe that he will answer the Divine will better in that way than in any other which he can follow in compliance with his own will and differing judgment."

Again—

"In the first place, you must not behold in the person of your superior a man liable to error and weakness, but Christ himself, who is highest wisdom, immense goodness, and infinite love; therefore you must receive the voice and commands of your superior not otherwise than the voice of Christ."

The priests having reduced the laity to this degraded condition of slavery, inform us next how they mean to use these "corpses" and "staffs" in their hands.

"It hath seemed good to us ———, to declare that none of these constitutions, &c., shall make obligatory any sin, whether mortal or venial, unless the superior may command it in the name of our Lord Jesus Christ, or in virtue of the vow of obedience; and that he may judge it conducive either to individual good or to the universal well-being of the Society."

It is truly ludicrous to hear men talking in this House about civil and religious liberty, if they shall have submitted to a slavery like this. They enjoy here civil and religious liberty, because it is Protestantism that secures both for them; out of a Protestant country they dare not utter the words. Cardinal Wiseman has lately published a translation of the *Exercises of Loyola*, in the preface of which he declares that—

"In the Catholic Church no one is ever allowed to trust himself in spiritual matters. The Sovereign Pontiff is obliged to submit himself to the direction of another in whatever concerns his own soul."

Here, again, if this is quoted, the ready answer is, "that it is only spiritual matters:" now let us see how much truth there is in that excuse. In the thirteenth of these Exercises we find—

"That we may in all things attain the truth (that we may not err in anything), we ought ever to hold it as a fixed principle that what I see white I believe to be black, if the hierarchical Church so define it to be."

This is the teaching which Cardinal Wiseman is come "out of the side of the Pope" to give us. Is there "spiritual" black and "spiritual" white? this is the "evangelical holiness" in which, according to the Cardinal, the laity are to be perfected. Priests that inculcate such principles as these are the Thugs of Christendom. For what are Thugs?—murderers: yes, but all murderers are not Thugs. Thugs are not only murderers, but they commit murder as an act of worship: so these priests inculcate lying as an act of worship of the God of truth—inculcate the saying that black is white, when they know it to be black, as a thing well-pleasing to God: this is what constitutes Thuggee. Never was degradation of the laity who submit to them so low as this: the negro slave was not so oppressed; in all the debates in this House, in all the evidence of cruelty committed upon him, it never yet was said that he was obliged to say sugar was sour, and limejuice was sweet. Such slavery degraded man from his moral dignity as man. "An honest man's the noblest work of God"—not a quibbling theologian; and it matters not to what sect a man belongs, if he is taught and permitted to lie. The authoritative doctrine now taught by the priests from Liguori is this:—

"Although it is not lawful to lie, or to feign that which is not, it is, however, lawful to dissimulate that which is, or to cover truth with words, or with other ambiguous and indifferent signs, for the sake of a just cause, and when there is no necessity for confessing it."

The country is aroused and indignant from one end to the other, and it is a dangerous argument for Gentlemen to use when they say that it has not yet expressed itself with sufficient unanimity. The people are a law-loving people: they do not boast, like some in this House, that, pass what law you will, they will set about breaking it: they are looking to the heads of their respective parties to lead them, and they are looking to this House for effectual legislation to beat back the aggression perpetrated by Dr. Wiseman and his priests: but if you disappoint them—if you will do nothing for them, you will compel them to take the law into their own hands. I am sorry that they should be driven to this; I am sorry that they should be excited upon such a subject, nor shall they be by me; but, excited or not, they shall hear the truth. I am no professional agitator—no trader in Conciliation Halls; I hate all such Whig principles and Radical practices; but do not fancy that Dr. Wiseman shall with impunity issue his edicts from the Flaminian Gate to establish Popish laws, and Popish practices, and Popish rule over the inhabitants of Surrey and Sussex, and that I and others are not to examine those practices, and to challenge his authority. Of course, when a nation is excited, many motives combine in producing one result; but amidst them all, there is this one pre-eminent, which is a plain John-Bull love of truth and detestation of imposture, and of those who practise it. What! do you think that you can bring over here with impunity a cargo of blinking statues, of bleeding pictures of liquefying blood, and of the Virgin Mary's milk? [*Shouts of disapprobation, cries of* "Order!" *and great confusion, which it is to be noted accompanied many parts of the hon. Member's speech.*] Why do you call "Oh, oh?"

Mr. O'FLAHERTY rose to order. I most respectfully submit to the English House of Commons—a body which I have always understood to be composed of men of gentlemanly feeling, and who would not permit any portion of the Members of this House, or any portion of Her Majesty's subjects professing conscientiously no matter what creed to be insulted—whether, even at the present moment, there ought not to be on the part of the House, some expression of feeling with respect to the language employed by the hon. Gentleman whom I have called to order? [*Cheers, and cries of* "No, no!"] I think the language that Gentleman has used is as worthy of his taste as it is of his judgment. [*Cries of* "Order!" *and cheers.*]

Mr. J. O'CONNELL: I move the adjournment of the House.

Mr. P. HOWARD seconded the Motion amid the greatest confusion and calls of "Chair."

Mr. SPEAKER: I must beg Gentlemen not to interrupt the regularity of the debate, and I hope that on a question of so much delicacy as that now under discussion, Members will abstain as much as possible from the use of all expressions tending to create excitement, or to offend the religious feelings of others.

Mr. DRUMMOND rose, amid loud cries of "Adjourn, adjourn!" An hon. Member last night (the hon. Member proceeded) pointed out to you that Cardinal Wiseman had specially selected as—

Mr. J. O'CONNELL: I rise to order. [*Renewed confusion, and cries of* "Chair!"] I wish to know if I am not in order, first, because I have moved the adjournment of the House; and, secondly, because an hon. Member having been reprimanded by you, is it not due to him and to us that he should apologise to the House? ["No, no!" "Order!"] He is called upon by every sentiment of good feeling— [*Loud cries of* "Order!" *and* "Chair!"]

Mr. SPEAKER: The hon. Member is himself guilty of a breach of order in the course he is now taking. I did not venture to reprimand the hon. Member for Surrey, nor did I venture to call him to order; I only took the liberty of expressing the hope that no Member, in the course of the debate, on a delicate and exciting subject, would say anything calculated to produce ill-feeling, and that every Gentleman would abstain from the use of expressions likely to irritate or offend. [*Cheers.*]

[The hon. Member for West Surrey attempted to proceed; but a great confusion arose, with incessant cries of "Order!" and "Chair!" At length]

Mr. MOORE was heard to exclaim—I speak to order. I do insist, with the greatest submission to you, Sir, that it is not merely a disrespect to a portion of this House and their religion that has been done, but that it is out of order in any Christian assembly to make— [*Great cries of* "Order!" *and* "Chair!"]

Mr. SPEAKER having intimated that the hon. Member was out of order,

Mr. GRATTAN rose and said: I am an old Member of the House, and I call the hon. Member for Surrey to order in consequence of the improper expressions he has used. I have a right to move that his words be taken down. I ask the noble Lord at the head of the Government, and all the old Members of the House, and you, Sir, if I am not in order, and if there are not precedents for moving that the words of the hon. Member be taken down? [*Continued cries of* "Chair!"]

Mr. SPEAKER: The hon. Member is mistaken in what he has now said. The hon. Member for Surrey is entitled, by the rules of debate, to use such expressions as he may think necessary, provided they do not convey any personal reflection on another Member, and are not disrespectful to the House. What I said to the hon. Member was no more than a caution—it was no reprimand.

Mr. J. O'Connell, Mr. Moore, and Mr. Drummond rose at once, and each attempted to address the House. [*Great confusion took place, and at length, amid continuous cries of* "Order!" *and* "Chair!"]

Mr. SPEAKER said, I must call on hon. Members to support me in the maintenance of order. [*Great cheering.*] I have already stated that the hon. Member for West Surrey is not out of order, and I trust he will now be allowed to proceed. [*Great cheering.*]

MR. DRUMMOND accordingly proceeded, observing that he was not out of order, and that he had not been reprimanded. He had been provoked by repeated and offensive interruptions to say things which, in the heat of argument, escaped his lips. He did not retract one word of what he had said; but if he had given offence, whether merited or unmerited, to any individual, he humbly begged their pardon. He continued:

Let us turn now to the purely political project which this aggression entails. My hon. Friend near me (Mr. Newdegate) has already alluded to Cardinal Wiseman having adopted Thomas à Becket as his model. Now, be it remembered that a long struggle had been going on between the priests and the king, respecting their being amenable to the king's courts; Becket was a meek, oily sycophant of the king, and the king, therefore, thought he would not go against him if he made him Archbishop of Canterbury; no sooner, however, was he there, than he espoused the party of the priests in endeavouring to withdraw them from the king's power. Dr. Wiseman says—

> "Fear not that the interests of religion will be jeopardised in my hands, least of all where the cause of the Holy See is particularly concerned."

We have seen that by his oath he is bound to fight for the Holy See against all others.

> "Need I remind you or others of where or how I have been nourished in the faith—how from early youth I have grown up under the very shadow of the apostolic chair; how, week after week, I have knelt at the shrine of Peter, and there sworn fealty to him; how I have served as good masters successive pontiffs, in their very households, and have been admitted to confidence, and, if I dare say it, friendship by them? And is it likely that I should be behind any other, be he neophyte or Catholic of the ancient stock, in defending the rights of my holy Lord and Master under Christ? or that I can require the summoning to watch with jealous eye any attempt to infringe them?"

It was the rights of his holy Lord that Becket defended against the king, and which Cardinal Wiseman declares he will do also.

> "The second altar at which I knelt in the Holy City was that which marks the spot whereon St. Peter cemented the foundation of his unfailing throne with his blood. The first was that of our own glorious St. Thomas. For two-and-twenty years I daily knelt before the lively representative of his martyrdom; at that altar I partook even of the bread of life; there for the first time, I celebrated the divine mysteries; at it I received the episcopal consecration. He was my patron, he my father, he my model. Daily have I prayed, and do pray to him, to give me his spirit of fortitude to fight the battles of the Church—if necessary, unto the shedding of blood. And when withdrawn from the symbols of his patronage by the supreme will of the late Pontiff, I sought the treasury of his relics at Sens, and with fervent importunity sought and obtained the mitre which had crowned his martyred head, and I took myself from the shrine of the great Confessor, defender of religious rights, St. Edmund, a part of that right arm, which so often was stretched forth to bless your forefathers."

Cardinal Wiseman, then, going forth in the spirit and power of Becket to fight for the Pope against all comers, is backed by a body of men who declare that

> "That which seems to be the noble shout of offended British patriotism, is no more than the passionate cry of the spirit of darkness over that mighty demoniac of three centuries old, the established Protestantism of England. The Established Church is the great opponent of Jesus Christ in this island. Add together all the dissenting sects, account their heretical tenets at the worst, number up the deeds of hostility against the Catholic Church—their crimes will be nothing in comparison with hers. She alone is the true embodiment of that sin for which Satan was cast out of heaven. The Pope comes forward and restores England to her place in the Christian Church. He makes no new claim to her obedience; he never yet ceased for a moment to demand the obedience of all baptised Christians."

Having got then an obedient band of slaves, who will swear that black is white, and white is black, at his bidding, to carry on his war against everything established in England, the Pope's doctrine on temporals is well expressed in another letter in cipher to his legates in France, under the First Consul:—

> "Not only has the Church continued to prevent heretics from possessing ecclesiastical property, but it has besides established, as punishment of the crime of heresy, the confiscation and loss of the goods possessed by heretics. This punishment is decreed regarding private property in the decretal of Innocent III., and for that which regards principalities, feoffs, it also is a rule of the canon law, in the chapter Absolutos XVI. of heretics, that subjects of a prince manifestly heretical, remain absolved from all homage, fealty, and obedience, (*rimangono assoluti da qualunque omaggio, fedeltà, ed ossequio*) towards the same; no one, however little versed in history, can be ignorant of the sentences of deposition pronounced by pontiffs and councils against princes who are obstinate in heresy. We are living in times so calamitous, and in such humiliation for the spouse of Christ, that it is not possible for her to use, nor expedient to mention, these most holy maxims of just rigour against the enemies and rebels against the faith. But if she cannot exercise her right to depose heretics from their princedoms, and to declare their goods forfeited, she can never formally permit principalities to acquire more, which would

> be to be robbed herself. Such an occasion to divide the Church she will not give to the same heretics and infidels, who, insulting her grief, will say that they have at last found the means to make her tolerant."

Such was the Pope's language in the lowest extremity under the First Consul, furnishing another proof that, whether in adversity or in prosperity, the Court of Rome had never lost sight of its ultimate object. It is not, therefore, a matter of surprise that the people are indignant and alarmed. Such language, and such plans, never will be tolerated, and let the consequences be what they may, the country will not submit to them.

There only remains now to consider the best way of resisting and throwing back upon the author this infamous aggression. The first words which I addressed to this Parliament were to call upon the noble Lord to fulfil his promises with respect to the Established Church in Ireland: this must be done. Secondly, there is no pretext for extending this Bill to Ireland; and to apply it to that country is manifestly uncalled-for and unjust. Thirdly, a law must be passed to prohibit the privy councillors of a foreign potentate from residing in this country without the license of the Crown. Fourthly, you must make all deeds done under the canon law null and void. Fifthly, you must extend the provisions of the Mortmain Act to all property of all sects, and take away from all priests the power of robbing men upon their deathbeds. I believe that you have come into such a position with regard to ecclesiastical affairs, that you cannot go on as you are. In that book which Papists are not allowed by their priests to read, there are several letters addressed to the laity, and two only specially addressed to bishops: to these bishops one of the first authorised teachers says, "Remember that the love of money is the root of all evil:" he does not say this in his letters to the laity, but only in those to the priests. I do not deny that in the early ages of Christianity good may have accrued to religion from the support of the State, but that day is gone by. I do not deny that even monkery may not have been a good way by which to plant Christianity in a heathen land, and to act as a missionary system in the country; but that end being once attained, monasticism is an unmitigated evil. The way to walk in the steps of our forefathers, and to imitate their example, is not to do all the things that they did, but to do our duty in our day and generation, as they did their duty in their day and generation. It is not peculiarly against the priests of the Church of Rome that I speak, save as they afford more striking instances of that spirit of domination which is common to all, and which you can never counteract but by refusing to all sects alike the support of the civil power for all property belonging to religious or benevolent institutions; and I apply to the priests that which Cardinal Bembo said of the monks—"I meddle with reluctance in the concerns of priests, for I found therein all human wickedness concealed behind a diabolical hypocrisy."

[The Speaker here left the Chair for a short time.]

Sir JAMES GRAHAM: I am glad, Sir, a short pause has taken place in our proceedings, and I hope nothing will fall from me that may tend to disturb the gravity of this debate, and the calmness with which the great subject now before us ought to be discussed. I bend, Sir, implicitly to your decision in every matter of order. I did not think it was possible, until within the last half-hour, that anything could have aggravated my sorrow on account of the revival of this painful discussion, in which the subject of religion is involved; but I must say, that what has just occurred has far exceeded my most anxious apprehensions. I have seen a Gentleman—an accomplished Gentleman and a scholar—so much heated by the subject we are now discussing, as entirely to forget what was due to the feelings of a large body of Gentlemen sitting in this House on terms of perfect equality. I will not sully my lips by repeating the words that fell from him, with respect to hon. Members of this House, in reference to their veracity, and still less shall I think of repeating an allusion—which I shudder to think of—an allusion grossly offensive to the female relatives of those Gentlemen; to ladies who have devoted themselves to the service of their God, according to their consciences, in lives of seclusion and of chastity. The orders of the House may on this occasion not have been violated in the letter; but if Roman Catholic Members are to sit here and to take part in our debates, I must say that the rules and orders of the House cannot be said to be preserved in their spirit, if scenes like these we have just witnessed are to be repeated. I say that assertions of the kind that have been made, and the tone and manner in which they have been made, must not be repeated, if decency in debate and the order or rules of the House are any thing more than a name.

The hon. Member said that he would enlarge the scope of this debate, and he proceeded to treat it as a subject entirely of a religious character. I shall venture also to enlarge the scope of our deliberations; but at least in the greater part of what it will be my duty to address to the House, I am happy to say I shall treat the subject as a political question. At the same time, Sir, I think that I should ill discharge my duty, considering the immense extent of field now open before us, if I detained you any longer by preliminary remarks, and I shall proceed at once to enter into the midst of the great subject we are called upon to discuss.

Having shortly addressed the House on a former occasion with reference to this subject, I shall, in what I mean now to address to you, repeat two admissions I made on that occasion. I am glad to make them, as they will help to clear the ground I intend to occupy. In the first place, I said, what I now repeat, that I do think that the language used by the Pope in his rescript, and by Cardinal Wiseman in his pastoral letter, was arrogant in the extreme, and needlessly offensive to the feelings of the great Protestant community of this country. And I shall go further, and make this second admission, that it would have been extremely difficult for the servants of the Crown to have passed by in silence and contempt that offence, which so deeply wounded the Protestant feelings of a great majority of the people of Great Britain; and I do think it might have been necessary, and probably was necessary, in some authoritative way, to reassert those great Protestant principles which were fixed at the Reformation—which were vindicated at the Revolution—which were confirmed by the Act of Settlement—and which were ratified on two memorable occasions: first, by the solemn compact which united Scotland with England, and subsequently by that which established the union of Ireland with Great Britain. I will not now enter into the question that was raised by my hon. Friend the Member for the University of Oxford, as to the various modes by which this might have been done. I will not now discuss whether it would have been possible to have issued a Royal proclamation, asserting strongly the supremacy of the Sovereign relative to all temporal matters; and also Her spiritual supremacy acknowledged by the members of the Church of England as established in these realms, and generally appealing to Her subjects to maintain the principles to which I have alluded, as having been settled at the Reformation, at the Revolution, and by the Act of Settlement. I will not, either, discuss whether it might have been possible to have proposed Resolutions for adoption by the two Houses of Parliament, to be embodied in an Address to be sent up by the two Houses to the foot of the Throne; nor will I discuss the third suggestion which the hon. Gentleman made, that the offence which was given should have been made matter of direct communication with the Court of Rome, through the medium of a special embassy. I beg to say, however, that there was one suggestion of my hon. Friend to which I could not in any circumstances give my assent after the experience of the last summer in the Mediterranean; that was, to meet the thunder of the Vatican by the more formidable thunder of Her Majesty's fleet, under the orders of Sir William Parker, in the offing either of Civita Vecchia or Ancona. The question before us is of a more narrow description, and to that question I shall endeavour strictly to confine myself.

The question is this—Is legislation the right mode of meeting this aggression? and, if so, is this the Bill by which that legislation should be carried into effect? And here I am met with a preliminary difficulty. I hardly know whether it is my duty to discuss the Bill in the shape in which I hold it in my hand, or in the amended shape which the authors of the Bill propose that it shall assume when it passes into Committee, provided the House shall consent to read it a second time. The strict rule of the House, I know, and the most proper rule, would lead me to discuss this Bill as it is, and I am very much confirmed in my decision so to do by what has already transpired; for I confess my own first impression, when I heard the alterations proposed to be made in Committee by Her Majesty's Government, was to entertain great doubts whether the preamble of this Bill, taken in connexion with the first clause, would not, in fact, and by implication, carry into effect the provisions of the second and third clauses. I confess that, as an unlearned person, I was strongly disposed to entertain this impression; I had great doubt about it; but that impression was subsequently very much strengthened by the opinion quoted on a former evening by the hon. Member for Dundalk, which I hold in my hand, and which was given by three eminent counsel—Mr. Bethell, Mr. Bramwell, and Mr. Surrege. Those gentlemen, being authorities of the highest order, have given deliberately their opinion that the first clause, with the preamble, would in fact carry into effect all the provisions of the second and third clauses which Her Majesty's Government propose to exclude. That opinion was made known, before Her Majesty's Solicitor General addressed the House; but I never heard that he or any one of the law officers has grappled with this assertion. It was not levity, I am sure, that caused him to pass it over; and if it be not levity, our position is a remarkable one; for if this opinion be well founded, I apprehend Her Majesty's Government would be bound to vote against the second reading of their own Bill. The First Minister of the Crown said most frankly that the second and third clauses were contrary to the provisions they contemplated, and that they were clauses going further than they desired, and effecting purposes which they did not desire to carry into effect. He said, if I mistake not, that the second and third clauses interfered with ordination in Ireland, that they would interfere with collation to benefices, and would traverse bequests made to bishops and priests and their successors; and altogether would produce such changes as he neither contemplated nor desired, and that it would, therefore, be his duty to withdraw those clauses. But if the opinion to which I have alluded be sound—if really the withdrawal of the second and third clauses will have no effect while the preamble and the first clause stand; then, Sir, Her Majesty's Government must feel that it is impossible for them, acting under a sense of duty which prompts them to abandon the second and third clause, to maintain the first clause, which is the remainder of the Bill, if it have an effect which I apprehend they are not prepared to defend.

I shall now pass on to other considerations—to far greater and higher considerations. My principal objection to the Bill is—first, that it is an extension of penal enactments; and, in the second place, that it is the reversal of the policy we have been pursuing for the last twenty-two years, and calculated to produce the greatest evil.

Sir J. Graham

Now, Sir, I am at once met by the serious difficulty which almost always meets us whenever we legislate in the vain hope, where a question of religion is concerned, of reconciling the conflicting interests of Great Britain and Ireland. And if I had any doubt upon this matter before I heard the speech of the hon. and learned Gentleman the Solicitor General, I cannot now entertain the slightest doubt that there never was a question, as bearing strongly upon the peace and good-will of Ireland towards this country of more grave importance than the Bill we are now discussing. I must, however, before proceeding further, observe that I entirely agree with Her Majesty's Government in thinking that if, as they conceived, the rights of the Crown were affected by what is termed Papal aggression, and if it be necessary to legislate for the defence of the supremacy and rights of the Crown, it was impossible to deal separately with the case of Great Britain as contradistinguished from that of Ireland. I think, with them, that if legislation of this kind were attempted, it was absolutely necessary that it should be legislation embracing the whole of the United Kingdom. And a great additional objection to legislation as being the best mode of meeting this aggression, is, that it is absolutely necessary, if you legislate for England, to embrace Ireland also, and to deal with the whole of the United Kingdom. And observe what has fallen from the only law officer of the Crown who has yet addressed you. It is quite clear from what the Solicitor General has said, that circumstances that arose in Ireland have more to do with the real origin of this Bill than even the arrival of Cardinal Wiseman in England, or the intention to found a hierarchy here in place of vicars-apostolic. What was the circumstance on which he dwelt? He was pleased to designate the prelate who has been selected by the Pope to be placed at the head of the Roman Catholic Church in Ireland, and to fill the office of Catholic Archbishop of Armagh, as "an ecclesiastic who, though an Irishman by name, is, in reality, an Italian monk." And, not satisfied with that, he dwelt upon the Synod of Thurles as one of the principal reasons why legislation was necessary; and what was the statement he made? He says, this Bill is effectual for the purpose of doing—what? These are his words; he says—

> "They could not have an episcopal jurisdiction —they could not introduce the canon law—they

> could not assemble any synod to frustrate, perchance, the decrees of the Imperial Parliament, unless they were bishops with territorial titles, and that this Bill effectually prohibited."

Observe, by striking at the territorial titles, it is the intention of this Bill to put down the organised episcopacy of the Roman Catholic Church in Ireland, and to deprive them of the power of meeting in synod; and the reason assigned is, that the Pope, the spiritual head of their Church, has selected as a person to place at the head of the prelacy, an ecclesiastic of the Church of Rome—a person whom he designates as "an Italian monk." Now, if this Bill be effectual for the purposes which the Solicitor General stated—though, I confess, that I doubt whether his law be sound, or his description of the measure correct—but, if his law be sound, and his description be accurate, then I say all that was done in 1829, admitting the Roman Catholics to an equality of civil rights, is rendered worthless by the blow you now direct against them. For 200 years—long before Catholic Emancipation—there was an organised episcopacy of the Catholic Church in Ireland; the canon law did prevail in Ireland unmolested and undisturbed by our legislation, and, whether designated as synods or not, the Catholic prelates of Ireland did assemble, and meet, and come to conclusions on all matters spiritually affecting the people of that country, and published their decisions; and these meetings for all practical purposes had the effect of synodical meetings. I say, therefore, that if the purpose of that Bill be what the Solicitor General has described it, and its effect what I believe he is wrong in stating it to be, then most undoubtedly the blow you are going to inflict is infinitely more severe than any fetter on the freedom of Roman Catholic worship in Ireland that existed under the penal code, and previous to the year 1829.

I must be permitted since this question presents itself to my mind in this aspect, and with reference to what will be the bearing of this measure upon Ireland, shortly to retrace our policy with regard to that country; and, Sir, I have lately been struck by reading a publication which within a short period has been given to the world—I mean the correspondence of the late Marquess of Londonderry, better known by the name of Lord Castlereagh. It contains letters written at the time of the Union, and there is amongst them a secret letter written by Lord Cornwallis to Lord Castlereagh in 1800, which appears to me to be full of wisdom and of warning. That distinguished man — distinguished for the great services he rendered to his country in every part of the world, had, at the time of writing the letter, been employed in discharging the melancholy duty of suppressing by force of arms a rebellion in Ireland. He had succeeded, and it was to be expected, that flushed by a contest of that kind, and recent successes, he would have been the very last to have counselled what is termed concession to the Roman Catholics of Ireland. But what was the lesson of wisdom which he taught? He said that if the Government of this country at that time promoted the Union, it should be promoted as the means of effecting a great end, and that great end was the emancipation of the Roman Catholics, the admission of laymen to perfect equality of civil rights, and some endowment for the Roman Catholic clergy. Mr. Pitt and Lord Grenville on this side entirely coincided in opinion with Lord Cornwallis; so also did Lord Castlereagh, who was in Ireland. Lord Clare gave an unwilling consent to the Union; he came over to England and used his influence with Mr. Pitt to throw aside the conditions of immediate emancipation and endowment, and made his support of the Union conditional on the surrender of that portion of the policy of the Government. Lord Loughborough, the Chancellor of Mr. Pitt, betraying, as I think, the counsels of the Cabinet of which he was a Member, obtained the ear of the King; and when his consent was asked to that portion of the policy, King Geeorge III. positively refused his consent to emancipation. Lord Cornwallis was unwilling to remain in Ireland under such circumstances, but he wrote a letter to Lord Castlereagh—a secret letter—and, with the permission of the House, I will read a portion of it, simply asking the House to bear in mind that the rebellion had just been put down, that the British arms were victorious, and that Lord Cornwallis was the conqueror of the rebels. He says—

> "Holding Ireland on our present tenure, how are we to make head against all Europe leagued for our destruction? Lord Kilwarden again spoke to Littlehales on the subject, and told him that the Catholics placed their trust in me, and insinuated that the object of my remaining in the Government, after the completion of the Union, was to carry the point for them. Whatever Lord Loughborough's opinion may be of the practicability of concession, he will, in a short time, or I am much mistaken, find it still more impracticable to resist."—(Vol. iii., p. 418.) "Timid

men will not venture on any change of system, however wise and just, unless their fears are alarmed by pressing dangers."—(Vol. iv., p. 20.) "The evil genius of Britain is the proscription of the Catholics."—(Vol. iv., p. 13.)

Now, this is the source of grave reflection; but perhaps the House will allow me to refer to a subject of a more lively though not a less instructive character. Lord Cornwallis failed in being able to obtain any solid advantage for the Roman Catholics; but, failing in that, he did not withhold from them that which was courteous and soothing and gratifying to their feelings. Now, here is a letter, written in very familiar terms, by Mr. Cooke, then the Under Secretary of Lord Castlereagh. He says—"We had a dinner at the Castle yesterday." Now, observe how he designates the persons who were present. "The Titular Primate of all Ireland, the Titular Primate of Ireland, the President of Maynooth (and other noblemen and gentlemen whom he names) formed part of the company." He adds, "We were all very cheerful and pleasant, and the Lord Lieutenant made all the play." That is to say, that his Lordship being unable to gratify the Roman Catholics by procuring for them what he thought to be justly their due, did not hesitate to show them every courtesy in his power, and that not by the exhibition of cold viceregal splendour, but by inviting them to the Castle, by entertaining them with friendly hospitality, and by giving them their designations of "Titular Primate of all Ireland," and "Titular Primate of Ireland." Now, what was the opinion of Lord Grenville at this juncture? He writes also to Lord Castlereagh, and he says, "To neglect the Catholic clergy, or to depress them in their station, or lessen their influence with their flocks, must, I think, while so large a portion of the Irish nation profess the Catholic religion, be the very reverse of wisdom." But, notwithstanding all these warnings, until 1829 no concession was made to the Roman Catholics; on the contrary, a firm stand was taken on the penal code. I have said that Lord Cornwallis—a great general, and the conqueror of the rebellion in Ireland, had recommended at the time of the Union that the penal code should be abandoned, and large concessions be instantly made to the Catholics.

Now, what happened in 1829? Why, "the Conqueror of a hundred battles," the foremost man in all the world—the firmest in resistance to the Catholic claims, until a sense of duty impelled him to abandon his opposition—the Duke of Wellington himself, in concert with Sir Robert Peel and Lord Lyndhurst, who had been the greatest opponents of concession on principles which they never hesitated to avow, and which they defended in Parliament with the greatest ability, without any change of opinion, yielding reluctantly to an overwhelming necessity, made this concession at last, which Lord Cornwallis and Mr. Pitt had wisely intended to make at the time of the Union. Now, was this done partially or hesitatingly by those eminent persons? It was my good fortune to be associated with the Duke of Wellington, Lord Lyndhurst, and Sir Robert Peel on the first occasion on which it may be said they really resumed and enjoyed power after the concession to the Catholics had been made. Did they ever hesitate to give effect in its broadest sense to the new policy which circumstances had compelled them to adopt? Some one said on a former occasion that the tenderness of Sir Robert Peel's Government in matters relating to religion was ever shown exclusively to Roman Catholics. I don't think the Protestant Dissenters will concur in the justice of that remark. They would be most ungrateful if they could forget the efforts made in their behalf by Sir Robert Peel's Cabinet. The Dissenters' Chapel Act cannot be forgotten; it ought not to be forgotten, because it was the occasion of the memorable speech of my late lamented Friend, Sir W. Follett, in proposing the second reading of the Bill; it was the noblest effort of Parliamentary oratory he ever made; it was his greatest speech—alas! it was his last. But with respect to the Roman Catholics, what was the policy of the Duke of Wellington and Sir Robert Peel? Did they hesitate to give full effect to the policy of the Act of 1829? Did they cast a longing eye towards the revival of the penal code? I answer the question by referring to the Maynooth Grant, and the Charitable Bequest Act. I refer to those Acts as indicating pretty plainly their desire to conciliate the feelings of the Roman Catholics, so far as was consistent with the maintenance of the Established Church in Ireland, stopping short, however, of endowment, which the feeling of this country would not, perhaps, tolerate, and which, at all events, the Roman Catholic hierarchy and clergy are not willing to accept. But these measures—these great and important Acts—

are not the whole case. What was the conduct of Lord Lyndhurst, the Lord Chancellor of that Government, acting with the full concurrence of the Cabinet of which my noble Friend Lord Stanley was also a Member? Did he not propose in the House of Lords the entire repeal of the Statute of Elizabeth which prohibited the receipt, in this country, of bulls from Rome? The House of Lords, it is true, passed the measure in a shape which has left the law in the anomalous state which was complained of by my noble Friend opposite, the First Lord of the Treasury. We proposed the entire repeal of the Statute; but the House of Lords would not consent to that, but repealed the penalties only, leaving the offence, without any penalty attached to it, still standing in the Statute-book. Now, this evening, when the House was not so full as it is at present, the hon. Member for Cork county (Mr. Roche) referred to what passed in 1829, when the clause imposing penalties upon the assumption of particular titles was inserted in the Relief Act, which this Bill now seeks to extend, and said an important proceeding took place in the House of Lords in Committee with respect to that Bill. This matter I will now venture to recall to the attention of this House. The clause, imposing a penalty of 100*l.* upon the assumption of titles derived from sees occupied by prelates of the Established Church was proposed by the Duke of Wellington, and when it was so proposed by him, he stated expressly that he did not tender it as any security whatever for the Established Church. I will read you his words; he said—" It is certainly no security; but it will give satisfaction to the United Church of England and Ireland." Now this declaration bears directly upon a most remarkable circumstance to which the hon. Member for Cork referred. In 1782 the Irish Parliament took a course exactly similar to that which Her Majesty's Government now calls upon us to take, and passed a sweeping prohibition against the assumption of any such titles by the Roman Catholic hierarchy in Ireland. How long did that law remain in the Statute-book? Let the House observe the period when it was passed; it was in 1782, when we were still at peace with France. In 1793, circumstances were changed; Louis XVI. had been beheaded, and we were at war with revolutionary France: what then occurred? The right of voting was given to Roman Catholics in Ireland, and the Act prohibiting the assumption of those titles, was virtually repealed. But, to return to the Committee in the House of Lords on the Emancipation Bill in 1829, the Duke of Wellington, having stated that he did not look upon the clause imposing penalties on the assumption of titles as any protection to the Established Church, proceeded to warn the House of the danger of proceeding too far in legislation on those points, and he says—

> " This was one of the incidents which made it so difficult to legislate on this subject at all."—[2 *Hansard*, xxi., 560-1.]

Her Majesty's Ministers are now well aware, I dare say, how prophetic that warning was. He says—

> " He was aware this clause was no security to the Established Church, nor benefited it in any way; but it was inserted to give satisfaction to those who were disturbed by the assumption of those titles by the Catholic clergy."

The Bishop of Durham, a most distinguished prelate of the Established Church, and the Divinity Professor at Oxford, repudiated this clause altogether; he says he does "not desire it as any security; it is no security whatever, and, as far as he was concerned, on the part of the Church, he does not ask for it." [*Ibidem*, 261.] And the then Lord Chief Justice Tenterden, said that the clause would be inoperative, and proposed what would certainly have been operative—namely, making the acceptance of the forbidden titles, by whomsoever offered, a misdemeanour. The Duke of Wellington admitted that the enactment proposed by Lord Tenterden would be perfectly operative, but he nevertheless opposed it. Hear the reasons which he assigned for doing so:—

> " The Duke of Wellington opposed Lord Tenterden's Amendment. He did not mean to say that it was not true that these persons were nominated as bishops, and were placed in the care of dioceses by usurped authority, But he did not, and he would not, recognise in any manner appointments of such a nature, because it was evident that these appointments were made by the power of usurpation. They knew nothing of that usurpation, nor of the assumption of those titles. It was true, as had been stated by Lord Tenterden, that the clause would have been more perfect if persons could have been prevented from using those assumed titles of archbishops and bishops in writing. But he begged their Lordships to advert to the difficulty of carrying such a principle into effect. Let their Lordships look to their own proceedings. Let them examine their own journals, and they would find places over and over again where those titles were given in print to those individuals. It was impossible to deal with writings in such circumstances. All their Lord-

ships could do was to declare that those titles should not be assumed by those persons in future." [2 *Hansard*, xxi., 563.]

The Earl of Malmesbury, a most strenuous opponent of all concession to the Roman Catholics, made a speech then which is an exact summary of the argument on this occasion. His Lordship said—

> "That he had on principle always opposed Catholic emancipation; but, that point having been carried, he would not encumber emancipation with restrictions like these, which were of no use. To exclude Catholics from seats in Parliament would be a *bonâ fide* security; but to call these clauses securities was a joke, and worse than a joke; for they would only tend to keep up that irritation of feeling which it was the object of the Bill to allay." [*Ibid.* 560.]

Does the case rest here? No; you are aware that the clause has been a dead letter, or nearly so, in Ireland. Dr. M'Hale has openly, I had almost said ostentatiously, transgressed the law. Has that passed unnoticed? Lord Lorton, in his place in the House of Lords, brought Dr. M'Hale's transgression of the law under the notice of that assembly, and called on Lord Melbourne to institute a prosecution. But Lord Melbourne after taking some time to deliberate, told Lord Lorton and the House that he was not prepared to incur the responsibility of directing any such prosecution to be instituted. The Duke of Wellington was present—the author of the penal clause, which, I think, was injudiciously inserted in the Emancipation Act. Did he stimulate Lord Melbourne to prosecute? Quite the contrary. He bestowed his hearty approbation on the prudence which had dictated Lord Melbourne's refusal to take any steps in the matter. I think that in arguing this question, there has been some confusion between the theological and the legal part of the question, as well as between the spiritual and the temporal, With regard to the theological point, though the Protestant portion of the House may think it a preposterous assumption of power, yet there can be no doubt that the Pope of Rome has, at all times, claimed spiritual jurisdiction over all baptised souls within this realm. This assumption bears date long before the Reformation, and was not then withdrawn. The asserted power of the Pope in this respect, stands unabated and undiminished from the earliest time down to the present moment. I conceive that whether this asserted power be exercised by vicars-apostolic, as in England, or by an organised hierarchy in Ireland—where an organised hierarchy, accompanied by the canon law, has existed uninterruptedly for centuries—is a question of secondary importance. The real question is, are you prepared to deal with the pretension itself? I say that our forefathers were wiser than to attempt it, and till I see you commit the error, I believe that you will be wiser than to attempt it. Why, this pretension lies at the very root of the Roman Catholic religion. Would you attack the very foundation of that religion? I feel that you will never do so; but should you attempt it, away with such a Bill as this! You must return to the blood-stained code of Elizabeth; and then what prospect of success would you have? That code so signally failed, that in my time, almost with common assent, all the greatest and ablest men in this House—men who agreed in nothing else—concurred in designating the penal code as a national disgrace, and made every effort to abolish it, because it had proved perfectly inefficacious.

Now, with respect to the confusion which appears to prevail between the spiritual and temporal part of the question, I am of opinion, that from the earliest time, in framing the statute law of this country, great care and skill have been expended in making and maintaining a strict definition between the temporal and spiritual power of the Pope. The Statutes of Provisors and *Præmunire* were not framed in denial of the Pope's spiritual power, but in recognition of it. What have these statutes done? They say to the Pope, "You may exercise your spiritual power withour interruption, as far as spiritual power goes; but we will check you with respect to temporal power, and particularly with respect to the temporalities attached to bishoprics, and the civil effect of your spiritual excommunications." No attempt was ever made to deny, as incident to his spiritual power, the right of the Pope to appoint bishops. No denial was ever given to the spiritual effect of excommunication. But it was provided by these statutes that if the Pope should appoint or translate bishops without the consent of the Crown, then the temporalities should not follow the appointment, and that, without denying the spiritual effect of excommunications, that the courts of law should not be made subsidiary to giving them any civil effect. The appointment of bishops is an incident to the spiritual supremacy of the Pope; and the territorial division of this country into dioceses to give effect to those appointments of bishops is a necessary and inevitable consequence. The statute of Richard II. sought to confine the spiritual power of the Pope within defined limits, but left the utmost latitude to the Crown and the courts of law with respect to the temporalities and all civil rights. This statute of Richard II. is a remarkable statute. It is not a dead letter. It was framed in Catholic times, when the Catholic religion was in the plenitude of its power, and was the established religion of this country. In the reign of Henry VIII. Cardinal Wolsey was indicted under that statute, and was convicted by the Star Chamber. But since the Reformation, has that statute been a dead letter? In Ireland, in the reign of James I., so late as the year 1608, one Lalor, a vicar-apostolic, who exercised legantine power in Ulster, having exceeded his authority, and trenched on the temporal power, was indicted before a jury in Ireland, under the statute of Richard II., and was convicted. Now, in addressing the House the other evening, the Solicitor General put to us pointedly this question. He says—

> "I want an answer to this question—Has the Roman Pontiff, in partitioning the realm of England into provinces and dioceses, and establishing therein archbishops and bishops, and organising a hierarchy for the government thereof, invaded the prerogative of the Crown, and outraged the independence of the country? Had those of Her Majesty's subjects who had lent themselves to the carrying out of this great scheme, and stood by and abetted him, departed from that undivided allegiance they owe to their Sovereign, violated the law of the land, and infringed the spirit of the constitution?"

Now, if they have trenched on the prerogative of the Crown—if they have violated the law of the land—if they have touched the regality—if they have injured the realm of England, then I say the statute of Richard II. most unequivocally applies; and I ask why you come to Parliament for new laws? Our Roman Catholic ancestors defended the regality of the Crown, they defended the rights and liberties of the subject; and they did provide remedies in those times, which were found adequate, and which, since the Reformation, even in Ireland, by the verdict of a jury, have been made applicable. But the language is remarkable in which the law officers of the Crown in Lalor's case assigned their reasons for preferring the indictment under the statute of Richard, in preference to having recourse to the more recent statutes of Elizabeth. The preamble of the statute of Richard is in these words:—

> "They, and all the liege commons of the realm, will stand with our Lord the King, his said crown and his regality, in all cases attempted against him, his crown and regality—in all points to live and to die. *Præmunire* for purchasing or pursuing bulls, &c., from Rome, which touch the King, against him, his crown, his regality, or his realm."

Now the subject-matter of inquiry is one that ought to go to a jury. It is for a jury to decide whether what has been done touches the regality, touches the Crown, or touches the realm. Now, what were the reasons assigned by the law officers of the Crown on the trial of Lalor for preferring the statute of Richard instead of the statute of Elizabeth? They said—

> "1. We made choice to proceed upon a law made more than 200 years past, when the King, the Lords, and Commons, which made the laws, and the Judges, which did interpret them, did for the most part follow the same opinions in religion, which were taught and held in the Court of Rome. 2. These laws were made to uphold and maintain the sovereignty of the King, the liberty of the people, the common law, and the commonweal, which otherwise had been undermined and utterly ruined by the usurpation of the Bishop of Rome. For the Commons of England may be an example unto all other subjects in the world in this, that they have ever been tender and sensible of the wrongs offered unto their Kings, and have ever contended to uphold and maintain their honour and sovereignty. Their faith and loyalty have generally been such, as no pretence of zeal or religion could ever withdraw the greater part of the subjects to submit themselves to a foreign yoke—no, not when Popery was in her height and exultation; whereof this Act (16th of Richard II.), and divers others of the same kind, are clear and manifest testimonies."

Now, Sir, I contend, to defend the sovereignty of the Crown, no new laws whatever are necessary. If that sovereignty has been invaded, you have the ancient laws, the unexceptionable laws, to which you may apply, and bring your case before a jury. But this I tell you, that if you seek to put down, directly or indirectly, the spiritual supremacy of the Pope of Rome over the Roman Catholic population of England, then, indeed, you must embark in a fearful contest. You must embark in that contest which disgraced England by shedding the precious blood of More, which has for centuries disturbed England, ruined Ireland, and inflicted indelible sorrow and disgrace on that unhappy land. An essential incident of the spiritual part of the supremacy is the right of appointing bishops to spiritual jurisdiction; and the division of this country into dioceses, is the necessary concomitant; for the more perfect exercise of that spiritual jurisdiction has also, at least in Ireland, been co-extensive with the exercise of the right itself; and both the common law of England and the canon law, have always required that the jurisdiction of a bishop should be limited by place. Now, the Bishop of Rome claims as of right, that he is the Bishop of England, and is this a dormant right? It is only directly as delegates from the Bishop of Rome, that vicars-apostolic have ever exercised any power in England; how strange then that we should have become of late so strongly enamoured of vicars-apostolic. You are jealous of the direct interference of the spiritual power of a foreign prince; your object would naturally be to remove the subjects of Her Majesty from that direct influence of the Pope; and yet you desire to maintain that state of the Roman Catholic Church here in which the influence of the Pope is most direct. Now the vicars-apostolic are the creatures of his will and the subjects of his caprice; and from the vicars-apostolic, where is the appeal now? It lies only to the Pope of Rome in person; and when you appeal from the vicars-apostolic, the Pope is not bound by the canon law, but may exercise his caprice in any way whatsoever. In Ireland, with an organised hierarchy, the Pope can exercise no such power; and the people of Ireland are, in consequence, one degree further removed from the influence of the Court of Rome. And, with regard to the bishops; why the Pope in the very year of the Revolution of 1688, divided England for the purposes of church government into four districts; and again, in the year 1840, four additional districts were erected, making eight in all; and the Roman Catholic Relief Bill, according to the terms used in that statute, showed by what it excluded that it contemplated what was to be done. That Act declared that the names of existing sees in the Established Church were not to be assumed; there was, therefore, by clear implication, a power left to assume other titles. What took place in 1812? Did you not desire that the powers of vicars-apostolic should cease, and an organised hierarchy be established in England as in Ireland? Why, Sir, in 1812, Sir John Cox Hippisley, on the part of the British Government (the Pope then being under the immediate domination of Napoleon, our great enemy), stated that the British Government desired the people of England should thus be emancipated in one degree from the direct control of the Pope; and Sir John Cox Hippisley was employed by the British Government to propose to the Pope that the vicars-apostolic should no longer exist, but that a regularly-organised hierarchy should be established in England. For reasons which, very likely, were not at all favourable to England, the Pope declined the proposition, preferring to keep the power more completely in his own hands through the vicars-apostolic, and refused to comply with the suggestion of the British Government, which was desirous that a hierarchy might be established in England as in Ireland. Sir, I would now say a word as to my hon. and learned Friend the Member for Oxford, whom I do not see in the House, and of whom I would not willingly say anything in his absence that I would hesitate to say in his presence—the hon. and learned Member for Oxford said the other night, "Is it not monstrous that a foreign Prince, such as the Pope, should exercise a discretionary power as to what shall be the organisation of a hierarchy in this country?" Sir, with all submission to my hon. and learned Friend, to that I think it may fairly be replied, that if the Pope be the spiritual head of the Roman Catholic Church, it is impossible with justice to deny to him the appointment of those bishops, through the agency of whom he is to carry on the spiritual superintendence of the Roman Catholics of England. It is not denied that it is and must be an aggressive religion. My noble Friend the Member for Bath (Lord Ashley) did not the other night deny that the Catholic religion, on a fair level, had the right of endeavouring to diffuse and propagate its doctrines, which are not only tolerated, but of which the free exercise is guaranteed by legislation in this country. But on the other hand, if it be an aggressive religion, surely it is, at all events, entitled to be a defensive religion; and there may be a disposition to make proselytes from it; and is it then extraordinary that the spiritual heads of the Church, who have a special care and a special charge as to the providing for the spiritual welfare of their Church, should be the persons to exercise this discretionary power? Who, if not Roman Catholic authorities, shall decide whether an hierarchy or vicars-apostolic are most conducive to the interests of the Roman Catholic religion in England? My hon. and learned Friend then went on to complain of the incidental effects of the introduction of this hierarchy, and the character of the canon law. My answer is, that in Ireland they have had that canon law for hundreds of years, and I am not aware that, amidst all the evils and sorrows of that unhappy country, any particular importance has been attached to the canon law, or any evil consequences traced to it. Then, my hon. and learned Friend (Mr. W. P. Wood) put forward another proposition, that more surprised me still, that we, as being in the main a Protestant Legislature, should provide for some supposed and contingent evils which might arise to lay members of the Catholic Church from the operation of the canon law, as affecting them; and he gave us the maxim, *Sic utere tuo ut alienum non lœdas;* but he knows there is another legal maxim, *Volenti non fit injuria.* What injury can there arise to laymen from the canon law? Their obedience to it is voluntary; and the moment they feel aggrieved by it they have only to withhold their obedience to it. This canon law is not recognised by the statute law, nor by the common law, nor is it directly recognised by any of our courts; but only incidentally, in reference to trusts, the courts of equity allow it. I speak as an unlearned person, but I am told that the principle invariably applied to this law by the courts of equity is this—does it trench on the polity of our law—does it violate any statute; is it at variance with the common law—or, is it opposed to any of the established principles of equity? If it be, then away with it! we have nothing to do with it. But if it do not violate any of these principles, then we apply ourselves to it to the modified extent of ascertaining by it that which, on principles of equity, may be considered the will and intention of the testator. This is the system which we have been following for 200 years in Ireland, and no evil has ever arisen from it. And, therefore, why there should be all this horror of the canon law in England, I cannot conceive. Sir, I would gladly here have dropped all further reference to the able speech of the hon. and learned Member for Oxford; but there was one observation of his which grieved me exceedingly, for anything falling from him injurious to the cause of civil and religious liberty must, considering his known attachment to it, be of great consequence. He will allow me to say I remember his venerable father, by whose side I fought in the great battle of emancipation, in 1829: and I was therefore the more astonished and grieved to hear those observations from his lips. He told us that the Church of Rome was unchangeable, and that, being unchangeable, her doctrines were still as likely to be enforced as ever, and that they might be carried to the extent, occasion arising, of even dethroning sovereigns, or absolving subjects and soldiers from their oaths of allegiance! Why, Sir, these are the tattered remnants of the old arguments which I thought had been cast aside as filthy rags. When, in 1829, we consented to admit our Roman Catholic fellow-subjects to perfect equality of civil rights and power, we were culpable beyond measure in coming to that conclusion if we believed one word of this unjust accusation, or thought that their allegiance was tainted, and of that dangerous description which the observation of the hon. and learned Member implied.

But now, Sir, as to these territorial divisions. Have we no authority on the subject?—authorities which would lead us to consider them more harmless than they are represented to be? Let me bring under the notice of the House what a Prelate of the English Church has lately said of them. Sir, I have seen with regret many of the addresses of the Prelates of the English Church which have been made amidst the excitement of this period. I hold, however, in my hand a most honourable exception—an address from the Bishop of Norwich to his clergy. I quote him with the utmost pleasure, because I cordially respect his character, and I think that the truth and frankness of such sentiments, proceeding from him, are worthy of the highest commendation. He says, speaking of this Papal aggression—

> "This measure, apart from the manner in which it has been attempted, and the language which has been held officially and unofficially regarding it, and in certain well-known principles of Romanism which give significancy to what has been done and written—the measure itself is nothing of which we have any right to complain consistently with our toleration of Romanism. An Episcopal Church is not tolerated if we interfere with its liberty to appoint bishops, to determine their number and rank, and to bestow upon them any titles, provided they do not infringe on any existing rights."

The very expression used in the Act of 1829, of which he calls for no extension—

> "It might naturally have produced more of amazement than indignation to hear a functionary of Rome declare that he governs counties of England as ordinary thereof. Some territorial division, however, is necessary for every community of Christians in an Episcopol Church, and the term for a bishop's district is 'diocese.'"

That is high clerical authority; the opinion of one of the most eminent Prelates of our Church, and it is against this Bill. Have we no high lay authority? I turn at once to the Lord Lieutenant of Ireland. Has he not recognised these territorial divisions? Has he not recognised them most remarkably? I blame him not, because I think the views which led him to write the letter I am about to read were quite consistent with his duty, and in accordance with that policy which was transmitted to him by his predecessors, and which he has most honourably and faithfully defended and maintained. But I think, somewhat imprudently, he entrusted to Bishop Nicholson a letter which was to be communicated to the Pope at Rome; and in that letter what are the terms in which he speaks of these territorial divisions? He had submitted to the Roman Catholic bishops certain new regulations for the government of the Queen's Colleges in Ireland, and had hoped to have been able by these regulations to remove the Papal objections to these colleges. What are the provisions he had made for the purpose of giving some influence to the hierarchy in Ireland in the government of the Colleges? He says—

> "The list of visitors has not yet been settled, but I can have no hesitation in saying that it will include the Catholic archbishop of the province and bishop of the diocese in which the college is situated. As I entertain a profound veneration for the character of the Pope, and implicitly rely on his upright judgment, it gives me great pleasure now to ask your Grace to submit these statutes to the consideration of his Holiness, believing as I do it may be advantageously compared with those of any similar institution in Europe."

Here is a distinct recognition of these territorial divisions, "province" and "diocese." Thus then I have cited an authority, from a Prelate of the Established Church, and from the Lord Lieutenant of Ireland, in favour of these territorial divisions. Have I no other authority? What did the Prime Minister of England say in 1848? The very question of the letter of the Lord Lieutenant to which I have referred was brought under the notice of the House by the hon. Member for Oxford University; and it is right I should remind the House that at that time a question also had arisen whether there was not an intention at Rome to appoint Dr. Wiseman Archbishop of Westminster; and the question was asked by my hon. Friend upon that point. The noble Lord denied all knowledge of any such intention, and said if his consent were asked to any such arrangement, he was not prepared to give it. But as to those territorial divisions of England, I really do not think any opinions can be stated so clearly and distinctly on this subject as in the words of the noble Lord himself, which I am about to read, representing as they do my own opinions exactly:—

> "With regard to spiritual authority, whatever control is to be obtained over the spiritual authority of the Pope, can only be obtained by agreement for that end. You must give certain advantages to the Catholics, and then obtain from the Pope certain advantages in return; among which we may stipulate that the Pope should not create any dioceses without the consent of the Queen: or, on the other hand, you must say that you will have nothing to do with arrangements of that kind—that you will not consent in anyway to give any authority to the Roman Catholic religion in England. But then you must leave the spiritual authority of the Pope entirely unfettered. You cannot bind the Pope's spiritual influence unless you have some agreement. But although you may prevent any spiritual authority from being exercised by the Pope by law, yet there is no provision, no law my honourable Friend could frame which would deprive the Pope of that influence which is exercised over the mind, or which would preclude him from giving any advice to those who choose to attend to such advice. It is quite obvious that you cannot, by any means or authority whatever, prevent the Pope from communicating with the Catholics of this country. You may try to prevent such communications from being open; but I think it would be very foolish if you took any means of great vigour or energy for that purpose. If, however, such communication be not open, it will be secret; and, so long as there are Catholics in this country—so long as they acknowledge the Pope as the head of their Church —you cannot prevent his having spiritual influence over those who belong to that communion." —[3 *Hansard*, ci., 220.]

Sir, I could not possibly express my own opinions better than in the words of the noble Lord. These are my opinions, and I subscribe to every word; but, by an odd coincidence, the Attorney General, within five days of that time, had also to discuss the question — the measure came down from the House of Lords—in reference to Diplomatic Intercourse with the Court of Rome Bill; and Mr. C. Pearson, the Member for Lambeth, moved an Amendment to the effect—

> "That the diplomatic intercourse with Rome should be touching and concerning international, civil, commercial, and political relations."

The then Solicitor General, Sir J. Romilly, opposed the introduction of these words — and observe his reasons. He says—

> "If these words were inserted in cases where

there was the least ingredient of a spiritual character, it would be injurious. There are questions of a mixed character which might arise, as to which, though in result they were of a temporal nature, no diplomatic intercourse could take place. At present, the Pope might divide this country into bishoprics and archbishoprics; and, if the Amendment were agreed to, he might do so still: but if we had free diplomatic relations with him, the British Government might interfere to prevent such a division."—[3 *Hansard*, ci., 512.]

Where, Sir, is the Solicitor General? Where is the assault upon the regality of the realm? Where is the interference with the rights of the subject? Where the insult offered to the Crown? The present Attorney General has declared, that, as the law now stands, the Pope may divide this country into bishoprics and archbishoprics; that if the Amendment alluded to were adopted, he might do so still; but that, if diplomatic intercourse were carried on with the Pope, the Government might interfere in that friendly manner to prevent it. Thus, then, in the opinion of the present Attorney General, we have no legitimate means of objecting to this Papal "aggression," except by amicable negotiation.

Well now, Sir, I have already observed that it is doubtful whether, by implication, the first clause does not carry fully into effect what in terms is to be enacted in the second and third; there is high authority for inferring that it is so, and I have put it to you, that if it be so, the Government must withdraw their Bill: but if it be not so, still, considering the social condition of Ireland, is this a question which ought to be left in doubt? Sir, I have the permission of Archbishop Murray to read to the House a letter on this question, pointing out how the measure would affect the whole social position of seven-eighths of the people of that country. The signal moderation which has so honourably characterised that prelate, entitles his opinion on the subject to the greatest weight:—

"Dublin, March 3, 1851.

"Our Church is essentially episcopal. Our sacred ministry could not be carried on without priests—we could have no priests without bishops—and no bishops but through the authority of the Pope. It is his business not only to name our bishops, but to point out the limits within which this jurisdiction is to be circumscribed. The portion, or surface, which contains the Catholic flock within those limits may be called a district, or a see, or a bishopric; and the individual appointed to ordain priests, and to carry on the other necessary functions of the ministry therein, may be a vicar-apostolic or a bishop in ordinary, with this difference, that the former is removable at pleasure, the latter is permanent, and therefore one step removed from the immediate action of Papal influence. Except as Archbishop of Dublin, I could not ordain one of my own priests—I could not give a parish—I could not communicate with the Pope—I could not correspond with foreign bishops—I could not give letters dimissory, or ordination letters, or letters testimonial. I have laid my hand on an old letter of ordination, which was not forwarded to the individual for whom it was intended. It was written in 1828. Were I to issue that letter now, I should be liable to a fine of 100*l.* Though in many instances we were obliged to act in disobedience to this unjust law, we knew that Government was not disposed to act harshly towards us. The spirit which has suggested the proposed law seems to be very different. From a first view of Clause 2, it might be inferred that were a priest to depend on such a document as I enclose, he must appear before a court of law as a layman; a marriage which he had performed might, on that ground, be declared invalid; and a discontented husband might take to himself another wife without the imputation of bigamy. + "D. MURRAY."

The ordination letter to which the Archbishop referred, purported to proceed from "Daniel Murray, Dei et Apostolicæ sedis gratia, Archiepiscopus Dubliniensis." It was issued under the seal of the Archbishop of Dublin, and it was signed not "Daniel Murray," but "Daniel, Archiepiscopus Dubliniensis."

Now, the remarks of Archbishop Murray applied to the Bill as it stood, and Her Majesty's Government, feeling the force of these objections, have notified their intention of withdrawing the second clause; which Motion, I understand, is about to be resisted upon this side of the House. But, suppose the Bill is allowed to assume its amended shape, and that Mr. Bethell and other eminent lawyers are right in asserting that all the evil consequences which would have ensued from the second clause will also follow from passing the Bill in its amended and mutilated form; then, in either case, the functions of the Roman Catholic hierarchy in Ireland will be impeded; the legal effect of the exercise of these functions will be questionable; and all the social relations of the great body of the people of that country will be dangerously disturbed. The hon. and learned Gentleman opposite (the Solicitor General) declared that the Papal brief was an invasion of the prerogative of the Crown, and the liberties of the subject. Well, if what has been done was illegal, why not go to the courts of law? With respect to the division into districts for spiritual purposes, analogous cases have been alluded to, in which Presbyterians, vicars-apostolic, and the Catholic hierarchy of Ireland, have alike created these divisions. But if this were rightly called a territorial division, I am not aware that it gives any temporal power whatever; since nonconformity has ceased to be illegal, even Anglican bishops of our own Church do not exercise any power whatever over the inhabitants of their dioceses, who are not also within the pale.

But what is the real cause of the extreme jealousy and alarm and anger which has been excited on the part of the Established Church as to the episcopal platform on which the Roman Catholics have placed themselves? The hon. Member for Oxford let out the truth, and the real reason—it is, that we shall have Roman Catholic bishops side by side with the thrones of the Anglican Episcopacy. That is the secret but real cause of all this episcopal anger upon the subject. Something was also said by the hon. Member about setting a "foreign Prince" over an English Church. These are grounds, however, which were discussed before, and which were weighed in the balance and found wanting when you consented to Catholic Emancipation. If you weigh the religious and political tendencies of the Roman Catholic Church, and desire to restrain the exercise of the Roman Catholic religion on the ground that the Church of England is in danger—this, Sir, is not the legislation which will satisfy such principles, or avert such supposed danger. You must go much further, you must reverse the principle of the Toleration Act; you must repeal the Emancipation Act itself; and let the Dissenters of England look about them if once we have Parliament legislating in that spirit for objects such as these, and under the influence of such motives.

Sir, something was said about synods; and the danger of "synodical action." We have been told there is great danger from that source, and were informed that by the second and third clauses of the Bill, synodical action would be put an end to. But are you not fighting with names? or are you really fighting with the substance? While the liberty of assembling in public meeting exists in Great Britain and Ireland, show me how you will prevent the meetings of the Catholic hierarchy, duly organised, from exercising all their full spiritual power over the members of their own Church, under whatever name or form they may be convened. Sir, the hon. Member for Manchester (Mr. Bright) recollects that it is not only the Synod of Thurles that has interfered in questions of somewhat secular character, such as the law of landlord and tenant; but, as was stated in the admirable speech of my hon. and learned Friend the Member for Plymouth (Mr. Roundell Palmer), the effect of which I may only weaken by following—if there is to be any assembly of Catholic prelates, to discuss any question whatever, I can conceive none more germane to their functions, and more legitimately the subject of their consideration, than the question of the manner in which the youth of Ireland are to be educated. But, Sir, are Catholic prelates alone to be precluded from meeting, as all other classes do, to consider subjects even of a temporal nature? I see the hon. Member for Manchester in his place, and I think I remember, during the agitation which was organised by the Anti-Corn-Law League, a meeting at Manchester of the Dissenting clergy from every part of the kingdom, who resolved that on their return to their respective districts they would use all possible influence to procure the repeal of the corn laws. Now, if the Dissenting clergy were allowed to meet for these objects, I am not prepared to say that what is called synodical action on the part of the Roman Catholic prelates ought to be put down by force of law. I am satisfied if you once begin to legislate in that direction, you will be led step by step in a course fatal not only to religious liberty, but to civil liberty also.

Sir, I have hitherto taken this view of the measure—that it is really effective, and may be a formidable one. There is, however, another view of it—that it may be emasculated and rendered ridiculous by its impatience. Really when my noble Friend introduced the Bill, and occupied such high ground, and laid such deep and broad foundations, I trembled for the measure which was to follow. I asked myself, how is this to end? *Quid tanto dignum feret hic promissor hiatu?* Is he about to propose the repeal of the Relief Act? The noble Lord made a great speech, but brought forth a little measure. Serious disappointment was the consequence. It became necessary to turn the tables. Eight-and-forty hours did not elapse before the Attorney General, to show how large were its powers, how great would be its results, attempted to prove that it struck at the root of synodical action on the part of the Roman Catholic bishops; that it incapacitated if it did not entirely destroy the power of granting bequests to prelates in Ireland, which were meant to support diocesan titles. Again, I began to apprehend that it was really a most formidable measure. But the Government became terrified at the spectre it had raised. They saw the consequences of their own measure, and the noble Lord stated his position so truly, that I cannot do better than repeat his own words. He said, "Language fails: when I seek to prohibit what I wish to prohibit, I am compelled to disallow what I do seek to disturb." Well now, that was a just description of the difficulties of legislation in such a case, and it is one of my principal grounds for objecting to this Bill. You are in a dilemma. If you cut down and reduce your measure, you cover it with contempt; and although it may be supposed, and unjustly supposed, that I have a leaning in favour of Rome, I should be ashamed to see the mighty legislative power of this country, from the utter and hopeless inefficiency of this measure, laid prostrate at the feet of the Roman Pontiff. On the other hand, if you seek to escape from that position, and to render your measure really effectual, you fall into the opposite evil, and will embark in a course of legislation in which you will be met by the spiritual authority of Rome, until, step by step, you will be led to the very point which you were obliged to surrender in 1829, and you will be compelled to re-enact the penal code in all its severity.

The dilemma is this. Impotence on your part is disgraceful. Vigour, in my opinion, is dangerous, and so dangerous, that I cannot dissemble it; the danger, as relates to Ireland, is no less than civil war. Now is that my word? Is that an empty threat? I have it on the highest authority. Have you looked back to the history of 1829, when the boldest and the firmest man—certainly the firmest man that ever held the reins of Government in our days—declared in the House of Lords, deliberately, that he had seen more of war than any man living, that he had seen it in all its horrors, that he had triumphed in its successes; but that, above all wars, the one most to be dreaded was a civil war, and he would rather lay down his life than expose his country to one month of this calamity. And he put this choice to them, either make the concession he then proposed, or be prepared for the other deadly branch of the alternative. [See 2 *Hansard*, xxi., 46.]

We have been told that this is a question of feeling. Well, then, let us treat it as a question of feeling, if feelings are to be considered—it is said that the feelings of the people of England have been outraged; the language used by the Pope has been offensive. I admit it; but has there been no offensive language on our side? I will not follow the hon. Member for the city of Dublin into a comparison of the language which the bishops of the Anglican Church have thought fit to employ against the Roman Catholics. In the pamphlet from which he quoted there is a very apposite comparison: my neighbour by accident jostles me in the street—I seize him by the collar—I kick him—I knock off his hat, and trample it under foot—I spit on him—I roll him in the gutter—I bespatter him with mud—I set the boys on him to hoot him and to pelt him with stones; and then, breathless with anger and with my exertions, I call lustily for the police, and give him in charge for an aggravated assault. We have had even here to-night acrimonious language used with respect to the Roman Catholic religion. It may have arisen in the heat of debate; but the Prelates who have used this language have done so deliberately in addressing their clergy, and I think that they ought to remember that the religion which they so much denounce is, after all, the religion of at least the great majority of Christendom, and deserving some forbearance on that account. They ought not to forget—forget I cannot—that it is the religion which tempered the zeal of Fenelon, which warmed the eloquence of Massillon, which touched with fire the tongue of Bossuet, which inspired, from heaven, the thoughts of Pascal.

I am perhaps trespassing too long upon your attention; but it is necessary for me, in self-vindication, fully and frankly to state all the reasons which induce me to give the vote from which I cannot shrink. Now, Sir, it will be remembered that I was one of those who entirely objected to the Appropriation Clause. I did not think it was either right or feasible, or practical, politically, if there were no higher considerations at stake, to strip the Protestant Church in Ireland of its property, with a view to endow the Roman Catholic Church. And whatever might have been the policy of such an endowment at an earlier period, my own belief is, that the opportunity is gone by. You can offer to the Roman Catholic clergy of that country no solid advantages in the shape of endowment. But just in proportion as you cannot satisfy them in that respect, I think the Roman Catholics, whether laity or clergy, if this be a matter of feeling, and reduced to a question of feeling, are entitled to peculiar consideration. There is a passage in that very publication to which I before referred, contained in a confidential letter from Mr. Knox to Lord Castlereagh, which is well worthy of your attention. Having succeeded in obtaining the *Regium Donum,* an endowment for the Presbyterian clergy of Ulster, he thus states the case of the Roman Catholics. The passage is so beautiful—in fact equal to anything in Burke—that, with the permission of the House, I will read it:—

> "In addition to what your Lordship observes respecting the claims of the Roman Catholic clergy, it strikes me that there is a peculiar justice in their cause, which perhaps might be too delicate in its nature to be made a ground, but surely ought to be felt as a motive. My idea is this. The English owe their original possession of Ireland to conquest; but time and events have, with respect to individuals, wrought that possession into as complete a right of proprietorship as exists in the world. It must, however, be allowed on every ground of justice and humanity, that the vanquished have their rights, and the victors, of course, their duties. These, to be sure, are generally more apparent when substantiated by compact; but where there is no compact, still there is the great law of humanity requiring that to be done which reason says should be done for the vanquished as being now objects of pity, and to be done by the victors, as having now all the sources of relief. Nor can mere time annihilate such rights, if it does not change circumstances. It has completely changed them in Ireland in all civil respects; but there is, perhaps, an unexampled continuance of circumstances in the case of the vanquished Church. In a manner, perhaps, not to be paralleled in any other instance, the moral person of the ancient Church of Ireland presents itself before us this day with as much identity as any corporation can do, showing us at once the marks of its pristine grandeur and of our triumph over it. Our identity as victors is self-evident. We possess all the funds from which the ancient Church derived its emoluments and its magnificence. Thus respectively placed it is before us as substantially existent and as miserably destitute as if we had dismantled it but yesterday, and we no otherwise changed from that period, except in greater ability to be merciful. I ask, is there in such a case no moral claim on the one hand, no duty on the other?"

Is there no moral claim, I now too ask, on the one hand, no moral duty on the other? And I say, under the circumstances which this passage denotes, peculiar delicacy with respect to the feelings of the people of Ireland is, at all events, due from the Legislature of this country.

Now, from the substance of the Bill, I turn to the names on the back of the Bill, and I confess I am surprised at what I find there. What is the first name? The name of Russell. Is that the Russell chosen by the city of London as the champion of civil and religious liberty? Is it that Russell whose name will go down to posterity identified with the repeal of the Test and Corporation Acts, and who, true to his principles and to his noble calling, is even now striving to unrivet the last fetter of the chain of persecution which still galls the Jew in this land of freedom? What is the next name I see? It is the name of Grey. Who is he? Is he the nephew of that patriot nobleman who sacrificed the ambition of his life and the flower of his youth in the bold and uncompromising assertion of the claims of his Roman Catholic fellow-subjects? He is like his noble relative in his eloquence, in his public virtues, and in his love of freedom; and I confess it grieves me to see the name of Grey on the back of this Bill. What is the third name upon it? It is the name of the Attorney General. And who is he? Is he not sprung from a family which sought England as an asylum from religious persecution, and is he not the son of that illustrious man who adorned by his genius and by his virtues the country of his adoption—the ornament of the Bar, the pride of the House of Commons—the untiring and unflinching advocate of civil and religious liberty in every clime and on every occasion?

But this Bill is not well framed—it is said in derision that it has been "botched." My noble and right hon. Friends opposite would have been unworthy of their character if they were not bunglers in framing penal laws—they have neither hereditary nor personal skill in such legislation—they are accustomed to unloose, not to impose, fetters; and God forbid they should ever become adepts in framing Bills like this! My noble Friend (Lord John Russell) referred the other night to the great names of the patriots with whom he had been associated. He referred proudly to the names of Mackintosh, of Romilly, of Horner, of Grey, of Althorp—ah! but there was one name he did not mention—he omitted the name of Grattan. I followed, with that noble Lord, amidst a crowd of mourners, the remains of Grattan, to Westminster Abbey—the noble spirit had fled—but his mortal body lies worthily interred by the side of Pitt, of Fox, of Canning, of Wilberforce; and I now ask the noble Lord, if in his heart and conscience he believes that these men who, agreeing in hardly anything else, agreed cordially in their support of Emancipation, would they, or any one of them, have approved of this measure? [*Lord John Russell signified his assent.*] The noble Lord seems to think that they would. Then I appeal from the dead to the living. I ask, does Plunkett approve of this Bill? Does Brougham approve of this Bill? Does Denman approve of this Bill? I ask—and would that he were here to answer for himself—does the great historian of the Revolution, who is deeply imbued with Protestant feeling, and almost, indeed, with anti-Catholic antipathies—does Macaulay approve of this Bill? I try it by the memory of the dead—I try it by the evidence of living witnesses, and I condemn this Bill. And I cannot condemn it more emphatically than in the words of the right hon. Baronet the Secretary of State (Sir G. Grey). He says, and says truly, that the Protestantism of England must not depend on Acts of Parliament, but on the warm attachment of Dissenters as well as of Churchmen to the principles of the Reformation, and to the right of private judgment. It is written in their hearts. There may have been some movement towards Rome on the surface of what are called the higher ranks, but the deep under-current of the feeling of this country is essentially Protestant. It is written in their very heart's core—and, what is more, it is written in those Bibles to which they have free access; and while they enjoy those privileges and possess those feelings we have no occasion for a Bill like this. I say there is no danger in England which justifies it—every feeling in Ireland condemns it. It is a brand of discord cast down to inflame the passions of the people; and, with confidence in the wisdom of Parliament, I hope, and confidently predict, that this Bill will never pass into a law.

Lord J. RUSSELL: Sir, late as the hour is, I hope the House will indulge me while I make some observations in defence of the present Bill; and in defence of the general principle which is contained in the Bill. Sir, however this Bill may be designated as insignificant, or however its provisions may be described as inefficacious, the House will not have failed to observe that both on one side and on the other there has been the greatest zeal and the greatest perseverance shown in commending or in blaming this Bill as fit or as unfit to be adopted. The House cannot but infer that whatever the provisions of the Bill may be, when you examine into details, there is some great principle involved, some question upon which it behoves the Commons of England deliberately to pronounce. Sir, that question is in my view not less than this: For many years since the restoration of Louis XVIII., the Court of Rome has endeavoured to revive pretensions, to attempt domination, to restore supremacy, which many thought had been for ever abandoned. And indeed for some time those efforts were attended with so little success they might have been safely disregarded, if not treated with contempt. But of late years, and more especially since the democratic revolution which took place in the beginning of the year 1848, men seeking for some safety, for some plank by which they might escape in the shipwreck, have resorted to the authority, the influence, the power, and the name of the Church of Rome; and the clergy of that Church have seen in that circumstance an opportunity of reviving powers which, if they are successfully claimed, must be fatal to the liberty of every country in Europe. Look at the change that has taken place within the last two years. Look at the change, adverted to by the hon. and learned Member for the city of Oxford, and by my noble Friend at the head of Foreign Affairs, that has taken place in Austria. You will see there a specimen and instance of that which we allege, and of the abandonment of the securities which had been wisely formed—of an arrogation of authority in the State which the State claimed to itself as indefeasible. You will see a surrender to the Church of Rome of that which had been carefully and pertinaciously withheld from her. Look to another instance, of which we had a valuable testimony the other night of one who bears a celebrated name, the name of a lamented statesman, and who in that effort gave a proof of talent and ability, and showed that he could relate to the House in the most vivid and expressive manner the experience he had himself obtained in another land, of the aspiring and intolerant character of the Church of Rome. Look to those instances, and I think you will not fail to be convinced that Europe, and the friends of liberty, whether in Germany or Italy, or in any other parts of Europe, must now be looking most anxiously to you; and if after all the Protestant feeling which has been exhibited throughout the country—if after the sense of indignation which has been expressed, and when a Bill has been brought before the House by Government, professing to contain a resistance to aggression—professing to maintain the assertion of the supremacy of the Crown—this Bill should be at once rejected on the second reading, without any clear and definite substitute, but merely some hints of resolutions to be passed hereafter—merely some vague suggestions of admiration of the feeling which had been exhibited and opposed to aggression, do you think the friends of liberty will be consoled? I think the friends of liberty throughout Europe will conclude that in addition to all her other conquests, that in addition to all her other triumphs, the Court of Rome has obtained this great conquest, has obtained this most splendid triumph—the conquest and triumph over the minds of the men of England. My right hon. Friend who spoke last, referring to many celebrated persons who had been advocates of the Roman Catholic claims, quoted as first and most memorable of them all the name of Grattan. I will refer also to the name of Grattan, because like the right hon. Member for Ripon, I look to Grattan as a man who had studied this question most deeply, and as one who was not only most impressive in urging the claims of our Roman Catholic fellow-subjects to civil equality and to seats in Parliament, but one who had studied the genius of Rome, and had studied the nature of both Ireland and England. Now, what was Mr. Grattan's prediction on this question? In 1817 he said—

> "I beg to observe that there is now every reason to hope—that there is no reason to doubt—but that securities may be had, and such securities as the House will perhaps think desirable. There may be domestic nomination—there may be a veto—there may be both. . . . . The question is, whether any securities whatever will be received? Let me tell you why. There is a communication between the Pope and the Catholic clergy, which must end either in an incorporation with the See of Rome, or a connexion with the Government of England; and if the latter be refused, it will be dangerous to the safety of England. You will have the Catholic clergy incorporated with the See of Rome, and the Catholic laity discorporated from the people of England."—[1 *Hansard*, xxxvi., 302.]

Now, be it observed that Mr. Grattan, supported as he was on that occasion by the men of all parties of eminence in this House—by Sir Samuel Romilly and Mr. Ponsonby, by Mr. Brougham, by Lord Althorp, Lord Castlereagh, and Mr. Canning, and by many others who rose afterwards to great distinction, said, "You will have one of these two things—you will either secure the domestic nomination of bishops, and a veto in the hands of the Crown, or, failing that, you will see the whole Catholic clergy incorporated with the See of Rome, and the Catholic laity discorporated from the people of England." Sir, recent events have shown there was too much truth in Mr. Grattan's prediction. You have neither the domestic nomination of bishops, nor have you the veto in the hands of the Crown. Those were the securities proposed in 1817; they were not proposed in 1829; and you have that now which did not exist in former times; instead of two very distinct bodies—namely, Roman Catholics who were Roman Catholics in religion, but who had no veneration for the Pope as a temporal Power, you have seen by the declarations of the Duke of Norfolk, Lord Beaumont, and Lord Camoys, that those men are few indeed who in these days will separate themselves from any pretensions of the Church of Rome, and who will not effect those pretensions, whatever they may be. Now let me again repeat to the House that this is the prediction of Mr. Grattan, the very man to whom my right hon. Friend referred, and rightly, as the greatest authority who could be quoted on this occasion. Now, if that be true which he predicted—that you have the Catholic clergy incorporated with the See of Rome, and that the Catholic laity are in a great degree discorporated from the people of England, I say it behoves us to see what is the danger that we are now incurring, and whether we can have any means of meeting that danger. I cannot but say I have been greatly struck by the theories that have been propounded to the House on the subject of religious liberty. The hon. and learned Member for Plymouth, in his most able speech, told us that if you had religious freedom you must allow to those who claim that freedom that which belonged to their own religion—to their own Church; that if they had an ecclesiastical organisation you must permit that ecclesiastical organisation to be completed, and therefore you must allow, uncontradicted, anything which belonged to the faith which those persons maintained. Now, how far does this pretension go? Because the real question is—which the hon. and learned Member did not touch upon—who is to decide what is ecclesiastical, what is spiritual in these matters? Are Roman Catholics, on the ground that it belongs to their ecclesiastical arrangements, to make any assumption they please—to claim any sway over this realm of England —to claim any supremacy over the Queen of England—and are we to be satisfied by their saying, "This is ecclesiastical—this belongs to our religion." Would the hon. and learned Gentleman be satisfied with any assertion they might make in this respect with regard to spiritual and temporal matters? My right hon. Friend the Member for Ripon seemed disposed to say that education is a matter connected with spiritual concerns, and therefore it is a spiritual matter in which the State cannot interfere with the proceedings of the Catholic clergy. Now suppose they should declare that in Ireland the National System of Education is dangerous to their faith, and that any person belonging either to the clergy or the laity who assisted in carrying that system into effect should be excommunicated and deprived of the rites of religion, that being a matter entirely spiritual—or suppose they go a step further, and say with regard to the police and military that a person cannot remain in the police or military under a Sovereign who countenances and sanctions such measures? [*Cries of* "Oh, oh!"] Hon. Members say "Oh!" and I hear one say that that should not be allowed; but that is exactly what I expected, because it shows that you cannot rest satisfied with the assertion of the Roman Catholic clergy, that such matter is spiritual or ecclesiastical, but that you must judge for yourselves whether it is so or not, and decide according to your judgment; and here another hon. Member says that cannot be done. Now, having read somewhat of history—not only of that history to which hon. Gentlemen thought it wrong to refer—that of the times of the disputes between Catholics and Protestants—but the history of most recent times—I must say, that trusting to the moderation of the See of Rome as to the distinction between temporal and spiritual is one of the worst securities you can have. It was only yesterday I was looking, cursorily indeed, at the correspondence, about the year 1816 or 1817, between the Secretary of State of the Pope, and the King of Naples, and the King of Naples said—

"I may be quite wrong in refusing you tribute —in refusing you certain lands which you claim, but certainly you can hardly be justified in menacing me with spiritual censures, because I opposed you in regard to a temporal matter."

But such was the opinion of the Pope, that he thought that a temporal matter like the refusal of tribute was a matter of spiritual cognisance; and, if we were entirely to trust to the Papal authority in this matter, depend upon it we shall hear the spiritual jurisdiction is extended far beyond that of which we have any conception now. And one hon. Member said—and my right hon. Friend who spoke last has said, among the rest, in referring to what has been lately done—that the language of the Pope, and of the pastoral, is arrogant in the extreme, and needlessly offensive to the people of England. That is an admission to a certain extent; but the question is, whether it is an admission to the extent which is really required by the nature of the act? I must beg the attention of my right hon. Friend, who, although no doubt he has studied this question a good deal, seems, I think, to have mistaken some of the most material points of it. I must call his attention to what really is the character of this rescript of the Pope; and before I do so I must refer to a writing of Dr. Wiseman, in the *Dublin Review*, which I found referred to by Mr. Palmer, in his book on the Church. He says—

"The apostolic see, it is said, charges those who call themselves the archbishops and bishops of the Church established in England and Ireland with being intruders by favour of the civil power into the sees of those realms; inasmuch as they and their predecessors took possession thereof in spite and to the detriment of the patriarchal rights of that see, which from the canons and by immemorial usage, had been exercised in the nomination or approbation of all metropolitans and bishops. Up to the time of Henry VIII. this right was perfectly acquiesced in, when by his statute 25 Henry VIII., c. 20, the nomination was reserved by letters missive to the King, all the authority of the apostolic see being set aside . . . Such subversion of the rights long holden and admitted of this apostolic see, and such assumption of a power never admitted in any part of the Church, were clear infringements of the canons, and constitute an act of usurpation and intrusion which is null and void in all its consequences."

That is an assertion to this extent. Not noticing at present the historical fallacies contained in the statement, this is an assersertion that that Act of Parliament of Henry VIII. is null and void in all its consequences: that the Archbishoprics of Canterbury and York, the Bishoprics of London and Winchester, and the other bishoprics of this realm, no longer exist, the appointments thereto being void. Upon this follows the rescript of the Pope, in which, after naming all these new archbishops, it is declared at the end—

> "And we decree that these our letters apostolical shall never at any time be objected against or impugned, on pretence either of omission or of addition, or defect either of our intention, or any other whatsoever; but shall always be valid and in force, and shall take effect in all particulars, and be inviolably observed; all general or special enactments notwithstanding, whether apostolic, or issued in synodal, provincial, and universal Councils; notwithstanding also all rights and privileges of the ancient sees of England."

Now the former declaration is upon Dr. Wiseman's authority alone, but no doubt authorised by the See of Rome, and that is a declaration that our Protestant archbishops and bishops do not exist. This rescript is a substitution of the Archbishop of Westminster, of the Bishop of Southwark and others, for the bishops of the Protestant Church, who are thus declared to have been null and void, and to be entirely abrogated and annulled. Now, I ask, does this fairly come within the scope of a foreign Sovereign? My right hon. Friend answered the question at once, as if he had been taught by Dr. Wiseman himself; as if he had been brought up at the feet of his Eminence, or of the Pope, "that he had no doubt of the spiritual authority of the Pope to appoint all those bishops, and to make a division of all those dioceses." That the Pope has no authority as a spiritual function for the appointment of all bishops at all times is, I think, proved by various works, but by none more clearly than by Dr. Twiss, in his book on this subject, full of learning, and stated with great temper. I think nothing is more clearly proved than this, that the circumscription of dioceses must be consented to by the sovereign authority, and that the appointment of bishops is not a spiritual, but a temporal act. The consecration of bishops Dr. Twiss fairly considers a spiritual matter; but that bishops can be appointed without the consent of the sovereign authority, and an express agreement that the Pope or some other authority shall have the power to appoint them, is what I think all good authorities on this subject would deny; and they would deny it in common with the public law of Europe, and in common with the practice of every country in Europe. Let any man who goes to Protestant countries—let him refer to Prussia, Holland, or Saxony, which, though it has a Catholic king, has a Protestant people, and he will find in every one of them that the royal authority would be used against such an appointment, against any such a circumscription of dioceses, and that it would not be permitted. If that is the case, I ask you to look at the nature of this aggression. It is, as it struck me at the very commencement, an assumption of power over the realm of England, at variance with the supremacy of the Crown, at variance with the rights of its clergy, at variance with and in contradiction of the independence of the nation. Some hon. Gentlemen say, let us have a Resolution; let it be in as stringent terms as you please, declaring that there is no right to assume such power, and that the Queen retains all her temporal authority and spiritual supremacy as it is by law established. That might be done; but I do not know that it would be wise of Parliament to come to Resolutions which, when they were produced in a court of justice, when a Roman Catholic clergyman appeared there as Archbishop of Westminster, and another Roman Catholic clergyman as Bishop of Birmingham, might be decided by the presiding Judge to be of no value in law—to be utterly worthless, and to be a declaration to which he, sitting on the bench of justice, could pay no attention. I cannot advise the House to take a course by which I think the dignity of Parliament would be compromised if they were to take a course which would expose their acts to be disregarded by a Judge sitting to administer the law according to the rigour of the law, and who would decide, if he did not find the law to bear out your course, that your Resolution was invalid. My right hon. Friend who last spoke goes to the other extreme. He says, "If regality is attacked, you have the case of Lalor, in which regality was asserted. Why does not the Attorney General proceed according to the case of Lalor?" My right hon. Friend hardly stated the case against Lalor as it actually occurred. He says that Lalor, having attempted to encroach upon the temporal privileges of the Crown, was, for that attempt, indicted and convicted. After that statement I must claim the indulgence of the House while I state what was actually the case against Lalor. The indictment was framed in the Court of Queen's Bench in Ireland, and it charged Lalor that he had received a bull from the Court of Rome, giving him authority as vicar-general, which touched and concerned the King's authority within the realm, and that, under pretext and colour of such vicar-generalship, and having taken upon himself the style and title of vicar-general, he had exercised, by appointments to benefices, by granting dispensations in matrimonial causes, divorces, and other matters, jurisdiction appertaining to the episcopal office, to the detriment of the authority, dignity, and regality of the Crown. On this indictment Lalor, after a consultation of half an hour on the part of the jury, was found guilty, and, I believe, sentenced. He was proceeded against under an Act of Richard II. He was proceeded against, in point of fact, for having usurped episcopal jurisdiction; not for doing anything by direct means against the authority or temporal power or legality of the Crown, but for exercising episcopal jurisdiction, contrary to the rights appertaining to and vested in the Crown. By that statute of Richard II., after the enumeration of offences comprehended under the usurpation of the episcopal jurisdiction, it was declared, that all persons committing these offences should be put out of the King's protection, should forfeit to the King their lands, tenements, goods, and chattels, and be imprisoned during the pleasure of the King. Now, it appears to me that very possibly some of these new bishops thus appointed by the Pope, may have done those very things which Lalor was found guilty of having done; that in causes matrimonial, appointments to benefices, and various other matters which appertain to the episcopal jurisdiction, they have used the powers for which bishops are ordained. Now, I conceive that it would have been a hard course on our parts, with such penalties before us—assuming we had got evidence—to have proceeded against Dr. Wiseman, and have endeavoured to convict him under that statute of Richard. Had we done so, what would, indeed, have become of that religious liberty in which we are charged with being wanting? Had we acted upon that statute, and obtained a conviction, by which Dr. Wiseman would have been deprived of his goods and chattels, and have been imprisoned during the pleasure of the Crown—would there not have been an outcry that we were harshly resuscitating for a particular purpose ancient statutes, which, not having been used for two centuries, might be considered obsolete, and certainly as oppressive to the subject; and would not that have been a restriction to a far greater extent upon religious freedom, than the measure which is now proposed by us? We find that those Gentlemen who have spoken on this subject, to the effect that some public measures ought to have been taken, very much divided in opinion as to what ought to have been done, and they have suggested various courses which they conceive would have been better than the present Bill. Without going into all their suggestions, let me submit one observation to the House. Here is a point on which there is hardly any difference of opinion, that this Papal aggression itself is arrogant in the extreme. There has been no alternative proposed to the course that we propose, on which there has been anything like a general agreement, or which has been at all made out to be clearly preferable to the present measure. The course proposed by Lord Stanley was, that there should be a Resolution, but likewise that we should have an inquiry with reference to future legislation; and the noble Lord manifests his belief that we are not at present prepared for legislation on this subject, by declaring that he thought a year, or perhaps two years, might elapse before that legislation could be proceeded with efficiently. Now, although I might have preferred my own course, yet had that other course been proposed by Lord Stanley, as head of the Government, I might have been ready to adopt it in deference to the authority of the Government. But I now put it to the House: you have one course before you—a course proposed by the Government—and there is no other clear, definite course proposed as an alternative to that course. Is it not better, if you mean to do anything at all against this aggression, to agree to the course proposed by the Government—even though that course be not the best possible—rather than reject it in the vague hope that some other course may at some future period be proposed, to which a fuller and more general assent may be accorded? It has been said, among other matters, that what is now proposed falls far short of that which I indicated before Parliament met, and especially in that letter of mine which has been often referred to—my letter to the Bishop of Durham. Sir, I am ready to abide by all the sentiments contained in that letter. The letter has been so often referred to by others, that I may be permitted to refer to it myself. The representations which have been made of that letter have been greatly erroneous; it has been represented that in that letter I did not look to public opinion for a cure of the evil complained of, but to some stringent law on the subject of this Papal aggression. Now, what I said in the letter was this; after describing the character of the aggression, I proceeded:—

> "Even if it shall appear that the ministers and servants of the Pope in this country have not transgressed the law, I feel persuaded that we are strong enough to repel any outward attacks. The liberty of Protestantism has been enjoyed in England too long to allow of any successful attempt to impose a foreign yoke upon our minds and consciences. No foreign prince or potentate will be permitted to fasten his fetters upon a nation which has so long and so nobly vindicated its rights to freedom of opinion—civil, political, and religious."

Now this was a clear appeal, not to the powers of the law, either as they exist now, or as they might be enacted to the purpose, but to that liberty of opinion, civil and religious, which this country has long enjoyed, and which I considered to be the great antidote against the attempt to fasten upon our consciences the yoke to which they had so long been strangers. With regard to any measures to be taken, either under the existing law, or in the way of enactment, I think hon. Gentlemen, when I have read the words I used, will allow that they were sufficiently guarded:—

> "Upon this subject, then, I will say, that the present state of the law shall be carefully examined, and the propriety of adopting any proceedings with reference to the recent assumption of power deliberately considered."

It does not even say that any proceedings at all were to be taken; it merely says that the propriety of taking any proceedings should be deliberately considered. And I say, therefore, that if, at the meeting of Parliament, the Government had declared that they did not think it necessary to introduce a Bill, or to institute any proceedings, whether such a course would have been wise or unwise, justifiable or not, at all events it would have been completely consistent with the assertion contained in that letter; and yet it has been represented that this measure falls far short of the intimations held out by me before the meeting of Parliament. Sir, I say still, that our main defence, our main security, consists in that liberty of discussion, in that liberty of thought, in that political freedom which we have so long enjoyed, and which we will maintain; but it does not follow from this, that it may not be necessary to have some legislative assertion of the supremacy of the Crown and the freedom of the nation—it does not follow that, because our great security is freedom of opinion and the liberality of our institutions, that therefore it is unnecessary to frame any enactment on this subject. And I must say, that it has always appeared to me, from the very first, that, if any measure was to be proposed, it should be one of the mildest form, and that it would be far better to fall somewhat short of what the occasion might seem to justify, than to exceed, in any degree, the absolute necessity of the case; and, after all I have heard, after the proposal of sending a fleet to Civita Vecchia, and various other proposals that have been made, I am still of the same opinion, that it would be far better to fall short, than to exceed in stringency of enactment. After one assertion in particular, which has been much relied upon, I wish to call the attention of the House to what is actually the fact. Some of the Gentlemen opposed to the Bill represent it as one of persecution, and say, that the first clause contains within itself the enactments of the second and third; so that, whether we preserve or omit them, makes no essential difference in the Bill. Without entering into the question of law, on which, when in Committee, we shall, no doubt, hear enough from Gentlemen of the long robe, I will put this to the House: If the first clause makes it a persecuting law, how comes it that, for twenty years, the Roman Catholics of Ireland have submitted to the law, and that we have hardly heard a murmur against it —the only expression with regard to it being in 1830, when the Roman Catholic bishops thought proper to acquiesce in it? and so far from our table being loaded with petitions from the Roman Catholics, praying that this grievance may be removed, the Roman Catholic clergy and laity have been altogether silent with regard to it. For, observe, that what the Bill does, is to say, that not only the existing sees, but the diocesans within them, shall be protected from aggression, and that the Roman Catholic bishops shall not have titles from any town or place in the United Kingdom. Now, there is not a Roman Catholic archbishop or bishop who does not claim from that ancient see in which they live: under that title they have intercourse with their clergy; and, as has been stated over and over again, and as my right hon. Friend the Member for Ripon stated of Archbishop Murray, they take their title in that intercourse, though it is not publicly accorded to them. They are subject, then, to all the consequences of the penal law, and they have been suffering in Ireland a dreadful persecution without being conscious of it; they have been attacked by a spiritual bigotry, and yet for twenty-one years they have suffered all these evils without knowing anything about them—like the gentleman who had been speaking prose all his life without knowing it. Now, can you conceive a whole people suffering persecution for twenty-one years, and all the time knowing nothing about it? This shows that the Bill, at all events, is not very oppressive. That questions may arise with regard to the execution of this Bill if it become law in England, I cannot well doubt. I believe that that is very likely to be the case; but my belief is, that when the Roman Catholics see that Parliament has agreed to this enactment, they will bow to the authority of Parliament, and will not attempt the assumption of those titles. But, Sir, other questions may arise; and I will not attempt to conceal from the House, any more than I have from myself, that you may not, by this Bill, meet every danger that we may be called upon to encounter. Now, I have it not in contemplation to frame any code by which all the relations between the See of Rome and the Crown of this country may be regulated; but this I say, that if that spirit which you have seen lately be not checked—that if it be checked by the great display of Protestant and national feeling that has been shown in this country — that if it be not checked by the simple and mild enactments of Parliament —if further aggressions should take place —if it be attempted, for instance, to deprive the people of Ireland altogether of the benefits of mixed education—if it be attempted to deprive Parliament of its power in this respect—and if those who serve the Crown are to be deterred by menaces with reference to their religious consolations if they attempt to carry out the system of mixed education which the Roman Catholics themselves asked for but a few years ago—then I do not deny that, in such a case, other measures may be necessary. And so, likewise, of similar aggressions. I differ altogether from my right hon. Friend, when he says, that this matter of education is one on which the Roman Catholic clergy may proceed unchecked to any extremity they may choose. I do not think that you would be right, or that you would be justified—having declared that you meant national education in Ireland to proceed—I do not think you would be right in allowing spiritual weapons to be employed for temporal purposes in such a manner as to prevent the youth and children of Ireland from acquiring secular knowledge, because the Roman Catholic bishops chose to call it a part of spiritual instruction. I remember speaking with a very excellent and mild bishop of the Roman Catholic Church who undertook the superintendence of the Roman Catholics of London not many years ago. Speaking to him on the subject of granting aid from the Committee of Council to Roman Catholic schools, I said, "We shall leave your religious instruction entirely unfettered; we shan't inquire what it is, or how it is given." His answer was, "No doubt you intend to do so; but I don't believe you know the extent to which we carry that term, 'religious instruction;' history, for example, the whole of civil history, we comprehend under the term of 'religious instruction;' and we should not be satisfied with any part of the political or civil history of England being taught otherwise than under the superintendence of the clergy of our own Church." There was nothing arrogant or pretending about that excellent man. This was merely a statement of what the opinions and doctrines of his Church were. But I must say, if that doctrine were carried to any extent, that with regard to civil matters, and to matters of physical science, nothing could be taught to the youth of Ireland except under the superintendence of the clergy, and that nothing could be more for the benefit of the Roman Catholics themselves than that the State should step in and say that it would not permit any such a system to prevail. In this respect, as in all others, I believe that if what Mr. Grattan predicted should in time fail, this Bill would be no such great bar and security against such evils, and that the whole question is not between Protestants and Roman Catholics, but it is a question in one respect between the Crown and the people of this country and the See of Rome, but in another respect it is a question as regards the Roman Catholic laity and an attempt to impose upon it the favourite ultramontane doctrines of Rome. Now, I have observed that certain Gentlemen who have opposed this Bill upon the ground that no legislation whatever is required, have entirely failed in making this distinction, though it must be obvious and striking to every one who has read any part of the history of Europe or of religious contests. My right hon. Friend the Member for Ripon referred to Bossuet and other high authorities; and many of those high Roman Catholic authorities of modern times, like our ancestors, while they were men of strict and undoubted Roman Catholic faith, were at the same time most spirited, most independent, most able, and most consistent enemies of the usurpation of the Court of Rome. Yet I perceive that the Protestants who now speak upon this subject, do not take the assertions of such men as Bossuet, or Pascal, but they take all the assertions that came from the See of Rome, which in former days, and down even to the present day, have been scouted by all the most able and most learned of the Roman Catholics. They take all these, I say, as the assertions of Roman Catholic doctrine, of Roman Catholic faith, and of ecclesiastical discipline. I think when we come, as I am afraid we must come, to discuss these matters a good deal further, that this distinction cannot fail to be made; and however it may have been obliterated for the time, I do feel confident that having passed the Act of 1829, that great charter of the Roman Catholic liberties, we shall see that the spirit of the laity will revolt against these pretensions. Sir, I have been always of opinion that it was not only for the benefit of the Roman Catholics themselves, but also for the security of the State, that the concessions made in 1829 should be enacted by an Act of Parliament; but I not only thought that, but that they should be carried out in spirit and in reality. For that purpose I thought that the Roman Catholic people of Ireland should have a large franchise allowed them, so that it should be clear that they should have the power of choosing their own representatives, and not at the dictation of their Protestant landlords. I thought it necessary, likewise, in order to carry out the spirit of that Act, that Roman Catholics should be chosen and named to civil offices for which they were capable as freely as Protestants; and I am persuaded that those things, under the present Administration, have been fully carried out. We passed last year an Act with respect to the franchise; and from the time that I came into office, so far as my patronage has been concerned, I have been always anxious that Roman Catholics should have a fair share of that to which their abilities entitled them. Now, I think that a great security; but it is upon this condition that those Roman Catholics shall be as free to act according to their own opinion as Protestants would be in similar circumstances. And if you find that Roman Catholics have been, like Sir Michael O'Loughlin, the Master of the Rolls, and Sir Thomas Redington, loyal to the Crown, and anxious to do justice equally between all classes of Her Majesty's subjects, there can be no doubt but that rule of law should prevail; but if you found that these Papal masses are to rule in Ireland, and that these Roman Catholics were threatened by the priesthood for doing their duty fairly, it would compel those Roman Catholics to leave the service of the Crown, and to do that which would be a practical denial of all for which the Act of 1829 was given. My right hon. Friend the Member for Ripon has a very simple remedy for that. He says if a Roman Catholic be threatened with a spiritual sentence, such as the refusal of the sacrament, he has only to leave the Roman Catholic communion. But it is very possible that his conscience may not allow him to make that change. He may feel that the priest exercises an oppression upon him, as did that unfortunate man, Count Santa Rosa, at Turin; but his faith in his religion might yet be totally unshaken; and if that be the case, I say that it is for the benefit of the Roman Catholics themselves that you should assert the spiritual independence of this country, and should not encourage these assumptions of power on the part of the Court of Rome. My right hon. Friend, at the conclusion of his speech, referred to several men of eminence, some of whom are departed, and some are still alive, who fought manfully and successfully in favour of the Roman Catholics. I am but an humble follower of those men, and though I might not have taken a leading part at that period in the debates of this House, I have constantly fought their battle in the country, and have given my vote in this House in favour of these principles. Sir, I regret not a single vote that I have given. I rejoice that I was in any way instrumental in procuring their civil and religious liberty; but if I experience now, that you have not taken those securities which Mr. Grattan said you might take; if I feel some doubt—some suspicion—some apprehension—of the future proceedings of the Court of Rome, I am not without the authority of many friends of freedom who expressed similar fears and similar apprehensions. I do not know that I need be ashamed of being somewhat more liberal than Milton and than Locke—I do not know that I need be ashamed of having somewhat of the temper which belonged to Hampden and to Pym, and to all those great men who asserted the liberties of the country in this House against the tyranny of Charles I.—I do not know that I need be ashamed of feeling somewhat of those doubts and apprehensions which influenced the calm and sober judgment of Lord Somers. Those men were the friends of liberty, many of them writers in favour of liberty of conscience and of toleration far beyond the opinions of their age; but they felt, however, that the Roman Catholic faith might be held as well as any other faith, conscientiously and consistently with the enjoyment of power; still that there was something in the character of the See of Rome which made every friend of liberty jealous of its encroachments, and fearful of the establishment of its power. Sir, whatever I may have felt with regard to the particular measures that might be adopted, I have always maintained an opposition to the Roman Catholic supremacy. I remain still of that mind; and when I see that there are so few of the Roman Catholic body who feel that this aggression, made without the consent of the Crown and against the will of the nation, is, whatever it may be for their religion, an aggression upon the supremacy of the Crown and the independence of the people, my apprehensions are not diminished; but, on the contrary, my jealousy is increased. While I remain a friend to religious liberty, as I trust I ever have been (as the Roman Catholics, at least, ought to admit, frequent as have been the rebuffs that I have met with in the course of popular elections, because I have said I was for the Roman Catholics)—anxious as I have been, and ever shall be, for religious liberty, I will not confound that cause with the cause of Papal encroachment. I believe that the liberties of England and the liberties of Europe will be best promoted by its resistance.

Debate *further* adjourned till *To-morrow.*

The House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, March 21, 1851.

MINUTES.] PUBLIC BILLS.—2ª Commons Enclosure; County Courts further Extension.

COUNTY COURTS FURTHER EXTENSION BILL.

LORD BROUGHAM, in moving the Second Reading of the Bill, wished to state briefly to the House some alterations which he proposed to make in the measure, those alterations being in the nature of additions. In the first place, it was his intention to introduce a declaratory clause for the purpose of removing all doubts as to the object and extent of the voluntary jurisdiction clause in the existing Act. In the second place, he should introduce a clause to provide that, in case of a new trial, the venue should be changed, so that the cause could not be heard again before the County Court Judge who tried it in the first instance, if either party denied the charge. Power would also be given to a Judge of the superior courts to change the venue in an original trial upon due cause shown, and on conditions which the Judge might impose. This latter provision, however, could extend only to causes between 20*l.* and 50*l.* A clause would be introduced to declare that in all cases in which defendants omitted to give notice of their intention to defend, the cause should be treated as undefended, and only the usual evidence given in undefended causes would be required from the plaintiff. If, however, after having omitted to give such notice, new circumstances should arise, such, for example, as the discovery of new evidence, then the defendant, upon making application to the Court, might have the trial postponed on such terms as the learned Judge might think fitting. The next provision which he meant to introduce was more important than any of those to which he had yet adverted. Their Lordships were aware that by a salutary Act of Parliament, passed in 1836, tithe in England and Wales was commuted. The operation of the Act had been nearly universal, and almost all tithe had been converted into rent-charge. The law as it now stood gave the owner of the rent-charge no remedy except by distress. It must not be concealed from their Lordships that to give the County Courts jurisdiction in such cases would be making a material change in the law; for not only was there no remedy at present against the occupier other than the landowner, except by distress, for the recovery of arrears of rent-charge, but by the Act of 1836 it was expressly declared that no personal liability should attach to any party in respect of the arrears. Nevertheless, seeing that it was repugnant to the feelings of those entitled under the rent-charge to have recourse to distress, he had, at the urgent request of many reverend persons, determined to give the County Courts the same jurisdiction to the extent of 50*l.* in cases of arrears of rent-charge as they had in regard to all other debts. There was a court in this country to which even the practitioners admitted no sane man would have recourse for any sum due to him of less amount than 1,000*l.*, he meant the Court of Chancery. It had been suggested to him that it was desirable to give the County Courts an equitable jurisdiction to a limited extent; but, on consideration, he would decline taking that course at present, whatever he might do eventually. He deemed it better to make this the subject of a separate Bill. That Bill he hoped soon to introduce. There was one matter connected with the establishment of the new County Courts which should not be overlooked. He alluded to the ancient local courts, some with unlimited and others with more or less limited jurisdiction, as the Tolzey Court of Bristol, the Court of Passage at Liverpool, the Recorder's Court of Manchester, the Court of Salford Hundred; and there were, he believed, in many of the ancient towns and boroughs courts of limited jurisdiction, and in almost all the newly created municipal corporations, courts presided over by Recorders, all of them with fees on a more liberal scale than those allowed in the County Courts. The consequence was, that when there were two courts, one old, and one the new County Court, in the same district, the legal practitioner would take the case into the former, though the plaintiff and defendant might desire to try it in the latter. He would propose to remove the expensive and useless jurisdiction of those ancient courts, and transfer it to the County Courts, with a few exceptions, such as the Borough Court of Manchester, and the Passage Court of Liverpool; but he would not do so at once and without proper inquiry. Whenever the Town Council should petition the Queen in Council for the removal of a local court of this kind, the petition should be referred to the Judicial Committee of the Privy Council, and there should be power given to them to advise the Crown to extinguish those ancient courts, as far as they had a concurrent jurisdiction with the County Courts, by giving the latter exclusive jurisdiction, and thus transferring the jurisdiction of the former to the County Courts. But it might happen that the Town Councils had no mind to part with their old courts, because of certain patronage and other matters dear to the municipal mind; and yet it might be very fit the extinction should take place. This could only be effected by the Legislature upon careful inquiry into all the local circumstances. In order to arrive at the fullest information on these points, a Commission should issue, and present a report on which the Legislature could act. Until that was done, he never would believe the County Court system was in a state approaching perfection. He had framed a clause for compensation, but it was absolutely necessary for Parliament to hold a tight hand over the important matter of compensations to public officers. What did they think of a retiring allowance of 2,000*l.* a year for a place all but a sinecure, or of 3,600*l.* for a place even technically a sinecure, and that too during the continuance of a young life? Why, there were certain clerks in Chancery who had received some 6,900*l.* a year compensation for offices, certainly not sinecures, but the gains of which had been calculated during a short time only, and not during a series of years, so that the officers magnified the profits, in expectation of the compensation being calculated on that short period. He would provide that no officer in the new County Courts should have any claim for compensation, and that no one in the old County Courts should be entitled to it for any office taken after the present Bill passed, nor for any loss of fees arising from alterations in the jurisdiction. The arbitration clauses had been received very favourably through the country. In France, Belgium, and Holland mercantile courts, acting on the principle of arbitration, had been of the greatest service. Those tribunals were constituted entirely of mercantile men. They were appointed by the Government of the different countries in which they were established, out of a list of respectable merchants and traders presented by the general body of merchants. These courts, with few exceptions, exercised exclusive jurisdiction over mercantile causes. They had only one professional member—the clerk, or greffier—who was paid for his services, and who was generally eminent in the legal profession. An appeal lay from them to the Court of Appeal, and then, on a matter of law or of form, to the Court of Cassation. The mercantile judges were unpaid, and the saving of expense, delay, and anxiety to suitors by such tribunals was inconceivable. He had never heard the smallest doubt expressed by any foreign merchant or any foreign lawyer as to the great advantages of those chambers of commerce, and he had the strongest opinion in favour of their introduction here. But he would not make them compulsory, at least in the first instance, nor make them courts of exclusive jurisdiction, but make them voluntary tribunals, to which both parties might go by consent, and have the question settled by merchant judges, if they preferred them to those of the law. It might be objected that these mercantile tribunals, with the Courts of Reconcilement, would have the effect of materially diminishing the business of the learned profession, for which he felt so high a regard, and of adding to the losses which they were said to have sustained from the 50*l.* clause of the County Courts Act; but he could not agree in that. It was further mentioned that the interference of the profession was in all cases beneficial; but assuredly, it prevented causes being amicably settled. He was informed that in the country parts of France more than half the cases were adjusted by the Courts of Reconcilement; but in the towns, where every man had an attorney at his elbow, it was usual for the latter to stop the arbitration by stating there appeared no matter for reconcilement. Therefore, he greatly rejoiced he had made it part of his Bill that no professional man whatever—barrister or attorney—should go with the parties before the Judge of Reconcilement. He was anxious, however, to take steps which might prevent as much as possible any loss to the profession from the change now in progress, and to check its going further than was absolutely necessary, for he should hold it to be deplorable in the extreme if any legislation should lower the character of that body from which the administrators of the law must necessarily be chosen. A clause had been most improperly inserted in the County Courts Bill of 1846, of which he was not aware till lately, enacting for the first time that no barrister should appear in court unless instructed by an attorney; and lately an attempt had been made to follow up this in one of the courts at Westminster; but the Lord Chief Justice of the Queen's Bench showed there was no foundation for such a practice, and that any barrister had a right to appear in any court without being instructed by an attorney. But, at the same time, the learned Judge said it was contrary to professional etiquette; and another learned Judge, on the Northern Circuit, had enforced the rule which the custom of the profession had made. But observe the position of a barrister in the County Courts. The attorneys might practise and run away with the whole of the business; but if this improper restriction were removed, the barrister had a fair chance with the attorney. There would, however, be one inconvenience follow from a barrister practising without instructions from an attorney. He must, in that case, see and examine his witnesses before the case came into court, or he could not do his duty to his client, and he would thus, in effect, be obliged to do the duty both of barrister and attorney. In order that complete justice might be done between both branches of the legal profession, so that the attorneys might not trench on the province of the barristers, nor the barristers invade that of the attorneys, a suggestion had been made which he thought was worthy of all consideration. It was, that the jurisdiction should be divided, and that two courts should be established, an upper court and a lower. There would, accordingly, be under the proposed measure two separate courts presided over on different days by the same Judge; the first or lower court would take cognisance of causes under 20*l.*, and in those courts attorneys would practise as advocates; the second or higher court would take cognisance of all causes above 20*l.* and not exceeding 50*l.*, where barristers only would after a little while practise as advocates. It was expected that by this arrangement a considerable saving of expense would be effected, as well as a proper separation of the barrister's duties from the attorney's, inasmuch as its practical effect would be to withdraw the barristers from the courts of smaller jurisdiction, and the attorneys from those of the higher. With respect to the selection which had been made of persons to preside as Judges over the County Courts, he was happy to know that some very learned, able, and judicious individuals had been found willing to fill that important office. It was of primary importance that the persons so selected should be men of great intelligence and of the highest integrity. The present Judges of the County Courts were men of that description, and nothing could be more satisfactory than the way in which they discharged their duties. He could not avoid saying, however, that the principle of false economy which had been, in the first instance observed in the appointing and procuring of Judges, was not such as to make it a matter of certainty that the Judges should be men of the highest qualifications. The miserable economy of underpaying the Judges selected, and of grudging compensation to those who formerly presided in the abolished courts—a paltry economy whereby only some few thousands a year were saved to the country, had necessarily restricted the selection of his noble and learned Friend the late Lord Chancellor. His noble and learned Friend had no choice but to fall back upon the Judges of the existing courts, and it was greatly to the honour of that class of gentlemen that so many men of ability and worth should have been found amongst them. If, however, any imperfect appointments had been made, it was owing to that false economy, that most extravagant system. Extravagant he called it, for there could be no greater extravagance than to refuse to pay a good price for good services. Another abuse which he thought could not be too much deprecated, was, that of throwing upon the suitors the expense of erecting the courts. Such a proceeding was at variance with every consideration of justice and of common sense. Nothing could be more outrageous than to compel a poor man to pay for the erection of the building to which he resorted to obtain justice. It was the first duty of the Government to provide him with legal protection, in return for that allegiance which they exacted from him; and that he should be taxed for such protection unless in the same proportion in which all the community is taxed, was most unfair and most irrational. Another evil in the system as now established was the practice of paying professional men according to the amount of the debt in dispute. This was most unreasonable and absurd, for the trouble which a professional man might have in conducting a case, did not in any sense depend upon the amount of the debt; on the contrary, it was quite possible that he might have more trouble about a case which involved 20*l.* than about one which involved 200*l.* An emendation which he proposed to introduce into the present system was, that the Judges of the superior courts should have the power of framing tables of costs from time to time. Unlike the members of any other profession, those who dealt in law as a business were under great restrictions and control; and it was his belief that, if clients knew the peculiar position in which men of the legal profession were placed, it would be better both for them and for the profession itself. No client was obliged to pay his attorney a single farthing of his bill of costs until that bill had been taxed by an officer appointed by the court in which the action was brought. In bringing forward this Bill, he had followed the same rule which had guided him in all the other measures he had at any time introduced into Parliament —namely, that of proceeding with the changes he thought it right to propose as gradually as possible. To go slowly to work was to go surely. His aim was never to shut out the hope of grafting new improvements upon those which had already been found to be for the public benefit; at the same time taking care to make those improvements in such a manner as to give an opportunity for their being fairly tried; so that if experience should show that any false steps had been taken, they might be retraced not only without any injury, but with the greatest benefit to the community. He would now move that the Bill be read a second time.

The LORD CHANCELLOR was understood to say that he did not understand it was the desire of his noble and learned Friend to invite a lengthened discussion on the Bill in its present stage. Several of the objections which had been pointed out by his noble and learned Friend to the existing law, were deserving of consideration on a future day. He entirely concurred with his noble and learned Friend as to the great learning aad ability which had been displayed by the Judges of the County Courts. With respect to that portion of the measure which proposed to unite, as it were, the two functions of attorney and barrister in one and the same individual, he confessed he entertained considerable doubts as to the wisdom of such an alteration of the present system. Many American gentlemen with whom he had conversed had stated that they found a great advantage in the fact of the attorneys of this country intervening between the client and the counsel. Attorneys and solicitors, although well versed in the practical operation of the law, were not on that account the men best calculated to advocate a cause before a Judge. Lloyd's Committee was composed of merchants, underwriters, and men who had risen to eminence by means of their great commercial experience, and among whom were to be found men of education of the very first class; and yet he did not apprehend that their Lordships would consider the Committee at Lloyd's a sufficient tribunal for the decision of commercial questions; or that such questions would be better decided by commercial men than by courts of justice. With regard to arbitration, he thought the proposal of his noble and learned Friend on that subject was quite superfluous, the system of arbitration being already so well known and understood in this country. But on this and other points he would wait and see in what manner his noble and learned Friend, when in Committee, proposed to legislate. There were, however, some parts of the Bill which seemed to him to be of great advantage, and which it would give him much pleasure to support. There were some clauses which he should take the liberty of proposing, not so much with a view to alter as to extend the measure of his noble and learned Friend. He would not enter further into the matter at present, but he was anxious to protect himself from its being supposed that his consenting to the second reading of the Bill was evidence of acquiescence on his part in all its provisions, or of anything more than a wish to have the Bill put into such a shape as to admit of its being more satisfactorily discussed at a future stage.

LORD BROUGHAM was understood to say, in explanation, that, so far from its being his object to combine the attorney and the barrister in one and the same person, his wish and desire was to keep them quite distinct from each other.

LORD CRANWORTH said, that the explanation just made by his noble and learned Friend suggested to him the extreme importance that their Lordships should not commit themselves until they knew the details of the Bill, for he had understood his noble and learned Friend just in the same manner as his noble and learned Friend on the woolsack had done, and thought that his noble and learned Friend meant as a part of his system to unite the attorney and the advocate in one and the same person. If that plan were adopted, he was sure of this, that the barrister would make a particularly bad attorney, and that the attorney would make a very bad advocate. At the same time, in actions for small sums it was desirable that the costs should be kept down, though it was impossible to say that there should not be two practitioners employed. It was, in fact, a choice of evils. He concurred with the Lord Chancellor that many of the provisions of the Bill would be eminently useful; but he could not bring himself to believe that, with the habits of the people of this country, the Courts of Reconcilement would have any operation at all, or at least for good. If a tailor summoned his customer before the judge of the Court of Reconcilement for 15*l.* for clothes, all that the judge could say was—"If you have had the goods, you must pay for them." If it required a week's notice for appearing in these Courts of Reconcilement before adopting any other course, it was only giving a premium for delay. But if any rather difficult question arose, and a party wished to learn what were his legal rights, then there would be provided for him a judge to whom he might go without any attorney. Why, this would multiply the business of these judges almost *ad infinitum*, because they would not have the case regularly stated by an attorney and then laid before a barrister to advise upon it; but the parties would themselves come before the judge, and would most likely state all sorts of irrelevant matter, from which the judge would have to extract the kernel. This really seemed to him to be establishing a separate corps of consulting barristers to be paid by the country, in order to give advice in the room of those from whom parties now obtained it by another mode of proceeding. But he would keep his mind perfectly open to receive any information or explanation which his noble and learned Friend might have to make on this and other points connected with the Bill.

LORD ABINGER observed, that the County Courts were, in effect, Courts of Reconcilement already; for, from the statement of his noble and learned Friend (Lord Brougham), it appeared that the great majority of cases were disposed of immediately after the issuing of the first process.

LORD BROUGHAM: If a great mass of business came into the County Courts, that would be the best possible test of judicial fitness on the part of the Judges.

On Question, Resolved in the *Affirmative;* Bill read 2° accordingly.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, March 21, 1851.

MINUTES.] PUBLIC BILL.—1ª Court of Chancery (Ireland) Regulation Act Amendment.

THE DEBATE ON THE ECCLESIASTICAL TITLES ASSUMPTION BILL.—MR. DRUMMOND'S SPEECH.

MR. REYNOLDS moved that the House at its rising adjourn to Monday next.

Mr. MOORE: Before we proceed to the regular business of the House, I am compelled to call attention to a subject full of painful recollections, but upon which I am compelled by a regard to my own character and position in this House—humble as I am—to offer a few words; and in doing so I can assure you, Sir, and the House, that if yesterday, in giving expression to the indignation which I felt, and which I was constrained under the circumstances of the case to utter, I trespassed in the slightest degree upon the rules and regulations of the House, there is no person who regrets it more than I do. If I infringe upon those rules at any time, it is owing entirely to my want of knowledge of those rules, not to any indifference either to the rules of the House, or your authority, both of which I hold in the greatest respect, and which it is the interest as well as the duty of us all to maintain unimpaired. But while I say this, and bow most implicitly to your decision, that the opinion which I was about to express would have been disorderly if uttered then, I cannot allow any misconception to exist as to the opinion which I was about to express. My opinion was, that the hon. Member for West Surrey had spoken not only with irreverence, but with a levity which almost amounted to indecency, of the sacred name which all classes and generations of Christians have called "Blessed,"—that he used that name in a manner which ought not to have been permitted in an assembly of professing Christians. And yet it was of that name that the hon. Member for West Surrey applied such expressions as "false miracles and impostures." Sir, there is a decent as well as an indecent mode of conducting an argument; and I would appeal to any assembly of Englishmen whether, if instead of the Mother of God, the name of the mother of the future Princes of these realms had been so used, the indignation of the House would not at once have checked the insult? Sir, there were other expressions which the hon. Gentleman did not hesitate to use, but in regard to which I will imitate the conduct of the right hon. Baronet the Member for Ripon, and not suffer to pollute my lips; but I will say that to apply these terms to Christian ladies who have dedicated their lives to charity and to God, ought not to be permitted in any assembly of English Gentlemen; and I appeal not only to the accomplished and cultivated minds of English gentlemen, but to the instinctive feelings of men, to prevent the repetition of these obscenities of senility, and to repel these dastardly insinuations—

Mr. SPEAKER: The hon. Member must retract the word dastardly.

Mr. MOORE: Repel these unmanly insinuations against the Catholic ladies of England.

Lord J. RUSSELL: As the hon. Member has called the attention of the House to this subject, I beg, though I was not in the House at the time the interruption took place, to say a few words. I was in the House when the Speaker ruled the question of order, and it appeared to me that nothing could be more correct, nor more in accordance with the rules and regulations of the House, than the statement of the Speaker on that subject. Of course, it is not for the Speaker either to fall short of the Orders of the House, or to enforce them beyond their due meaning. For my part, I do not wish that the Orders of the House should either be enlarged, or that the rules of debate should be made too stringent. But this I must say, that every hon. Member must regret if anything fell from any hon. Member in the course of debate offensive to the feelings of other hon. Members. It must, I think, be the wish of the House that, not only from respect to their own dignity, but from respect and deference to the feelings of others, hon. Gentlemen should avoid topics which can in any way be considered disrespectful or offensive to the feelings of others.

Mr. JOHN O'CONNELL: On this subject, Sir, I have been somewhat anticipated; but I shall still feel it my duty to put to you the question of which I gave you notice. That question was—

> "An hon. Member of this House, the Member for Surrey, having spoken in terms of levity and insult of certain practices connected with the religion of other Members, which, although not enjoined upon them as of faith, are, and have long been, sanctioned by competent authority and recommended for devout observance; and the same hon. Member having proceeded to speak in similar terms on subjects usually held in reverence by Christians of all denominations—involving an allusion, the terms of which is impossible for a Christian to repeat, to the Mother of our common Redeemer—is it to be understood that such conduct, tending as it does to outrage not only right feeling and charity, but Christianity itself, was in order; and that a repetition of it will, therefore, be permitted in the British House of Commons?"

I think that nothing can be more unfortunate with regard to our future proceedings, than that such language should be tolerated among Christian men. I will not allude to the matter in stronger terms, because the language may be held to have been to some extent withdrawn, by the regret which the hon. Member used for his expressions. I agree with my hon. Friends that that apology is not sufficient; but I think it will be fatal indeed to our future proceedings if we have not some guarantee that such expressions, or expressions similar to them, will not be repeated. If it should go forth to the world that in the House of Commons, a Christian assembly, such expressions, touching matters which are held sacred by all Christians, are allowed to pass, I, for for one, cannot hope that order in this House will be preserved, for it will be impossible to sit patiently and listen to them.

SIR R. H. INGLIS: Sir, after the expressions of the hon. Member for West Surrey last night, immediately that he found the language he had used was noticed in terms of complaint, that if he had given pain to any one he humbly begged their pardon—after the speech we have recently heard from the hon. Member for Mayo, that he felt it both his interest and his duty to maintain the order of the House, and that he also was sorry for any violence he might have used, and after the statement of my noble Friend the First Minister of the Crown, deprecating the introduction of language which would give needless pain to any man—I think it would be much better that no further notice were taken of this subject.

MR. REYNOLDS: Sir, I heard last night a second edition enlarged of this under current now running against those establishments which belong more particularly to the Catholic Church—I mean the nunneries. I heard it last night. I heard it by second-hand—I was not present—I heard it by retail, for I read it in the papers—that the hon. Member for West Surrey—and he was not interrupted by any English Member except the hon. Member for Arundel—I read the phrase used in describing those convents. I am glad I was not present, because of the rule, and it is a wise one, that no man shall be called to order unless he uses language personally offensive—or at least the offence may be enlarged from one to at least fifty Members, who profess and believe sincerely in the truth of the Catholic religion, and I am one of them. It was an insult to me as well as to them, and I cannot allow this opportunity to pass without expressing my indignation at language thus used. And although the right hon. Baronet, who is a high authority in this House, and as a peacemaker is a high authority, remarkable always for allaying passion rather than increasing it, remarkable for throwing oil on troubled waters, has endeavoured to do so, that will not do. He states the hon. Member for West Surrey has apologised. It reminds me of the Irish adage, "Cut my head and give me a plaster." Apologises, for what? "Nunneries are either prisons or brothels." An apology for that? Why, Sir, I have visited many of these nunneries to which reference is made; I have relations in many—I have two daughters in one of them receiving their education. There is not a Catholic Member in the House who has not blood relations in some one or other of them. These establishments have been maligned—brutally and beastly maligned. And, Sir, I do know that in the convent to which I have referred, the ladies who receive education there, are not imprisoned. They are permitted to walk through the grounds attached to the convents under proper superintendence. Well, Sir, even at the risk of exciting an ill-timed laugh—an ill-timed laugh, I say, not to call it by any harsher name than that—I will state what I was about to state, that I know many of those convents that are not prisons. I shall not degrade myself, nor degrade the establishments that I thought had escaped the foul vituperation, by stating that they do not come within the other base epithet. But I attribute it to the same spirit which drove out the inmates of the convent in Switzerland, robbing them of their property, and exposing them to the inclemency of the weather. I was glad to hear the noble Lord at the head of the Government was not present when the first insult was offered by the hon. Member for West Surrey; but he was present at the second, and I did, to-day, hear many express their astonishment that, during the hour and a quarter which he occupied in reply to the speech of the right hon. Gentleman the Member for Ripon—during that hour and a quarter, he adverted to a great variety of speeches—to the speech of the hon. and learned Member for Plymouth, to the speech of the right hon. Baronet the Member for Ripon, and to other speeches—that he did not apply one word of censure to the speech of the hon. Member for

West Surrey. And let it not be said that the speech of the hon. Member for West Surrey was the only speech of an offensive character against my creed and my country delivered last night, for I consider the speech of the noble Lord himself may be called No. 2. I heard the reference to education, and the interference of the Catholic clergy, and it filled me with anything but feelings of pleasure. I heard reference made to the probability of ecclesiastics of my Church releasing soldiers and policemen from their allegiance. Sir, I felt at the time that if the observation was good for anything, it was good for this, namely, to release me, as a Roman Catholic Member of Parliament, from the oath which I took at that table, and which is the oath I have taken as a magistrate, and as a Member of Parliament, that, by no article of my faith, can any prince, excommunicated by the Pope of Rome be deposed, or his subjects released from their allegiance. That oath is taken by every soldier that is a Roman Catholic, by every sailor, and every policeman. I am not charging the noble Lord with any intention to assert that Roman Catholic authority can, by possibility, even of the Pope himself, abrogate that oath, or release me from the punishment of its violation; but it left a bitter feeling. I have smarted under it, and I hope it will not be repeated.

Lord JOHN RUSSELL: I beg to state, after what has fallen from the hon. Member for Dublin, I understand him to say that I was here when the hon. Member for West Surrey gave offence to many Members, and that I did not make any observation on the subject in the speech which I afterwards delivered. The fact is, I was not in the House when the hon. Member for West Surrey made that observation, and not having been here, I thought it better for me to refrain altogether from alluding to it. And having stated this as the fact, as the hon. Gentleman has alluded to my speech of yesterday evening, I must say I do not concede that on a question regarding the division of temporal and spiritual concerns, I am debarred from using any argument which bears upon that point. I do not think that in putting that argument, I said anything which ought to give offence to any one. I have heard, and other Members must have heard, when questions in relation to the Church of England have arisen in this House, those topics have been freely discussed. I must say, whilst I wish that no Member of this House should give offence to any religious feelings, I do not wish those limits to be restrained, and that we should not discuss freely matters affecting either the Roman Catholic or the Protestant Church.

Subject dropped.

THE ARCTIC EXPEDITION OF CAPTAIN AUSTEN.

Sir R. H. INGLIS: I will take this opportunity of putting the question to the right hon. Gentleman the First Lord of the Admiralty on the subject of the Arctic expedition. I admit it is not so stimulative as personal questions affecting one individual; but I think I may call the attention of the House to the fact, that in the question of which I have given notice, are involved the lives of the seamen and officers of eleven vessels, and the sympathy of the whole country. My question then is, whether there are any causes of delay which have prevented the despatch of a steamer in search of Captain Austen, commanding Her Majesty's vessel in the Arctic seas? I shall say no more than that there was an intimation that such a vessel as that would be sent out by Her Majesty's Government in the course of the present season, conveying provisions and necessaries, and naval stores, for the relief of Captain Austen and the expedition under his command. On the 7th of February last, when moving for returns on the subject, I told my right hon. Friend that this is a question which demands instant attention. I said to him that what he was going to do might be of some avail if done speedily, but if postponed for six weeks would be worse than useless. I urged then, and I have repeatedly urged since, to lose no time, if it was intended to despatch this vessel. The general opinion has been that a steam-vessel would be sent out, not an expedition, but a single vessel carrying out stores, and bringing back intelligence of these eleven vessels. I have included in that number the two sent out by our brethren in America, much to the honour of the Government, and still more to the honour of the people. I believe, as I have before stated, that it is an unprecedented act, in which a foreign Government has sent out to the relief of men, not their own subjects; and I believe if the Government propose to send out a vessel with the object I have stated, that they will be supported universally in this House.

Sir F. T. BARING said: With reference to the question put by his hon. Friend the Member for the University of Oxford, the Government had had under consideration his proposal to send a steamer to the Arctic regions this season, to communicate with Captain Austen; but on due consideration of opinions of weight and experience they had arrived at the conclusion that it was not necessary or desirable to send out further vessels for that purpose. His hon. Friend had said it would be necessary the steamer should be furnished with provisions. That was not so, because Captain Austin's expedition was furnished with provisions for three years; besides those provisions left by the *North Star* and Sir James Clack Ross would be available in case of any accident. For the mere purpose, then, of information and conveying intelligence, having a very heavy responsibility, the Government did not think themselves justified in sending other parties to risk themselves in the Arctic Seas; that they ought not to risk further the lives of their gallant seamen. They had done all that a generous country would call upon them to do, and they must do their duty now in stopping any future risk of life.

Sir E. N. BUXTON said, it would not be right to risk the lives of seamen by sending any further expedition in search of Sir J. Franklin and his crew. There were at the present time eleven vessels in the North Seas in search of them, and especially he would mention one vessel, the *Investigator*, which, alone, is making the attempt to pass from east to west to Melville Island; and the commander, Captain M'Clure, has declared in a published letter that in case he cannot reach Melville Island with his ship, he intends to abandon her, and with his men to cross the ice on foot to that place. He, therefore, thought that a vessel ought to be sent to the north this year to carry succour to the vessels which are there, and especially to leave provisions and stores at Melville Island for the crew of the *Investigator*.

Admiral BERKELEY said, the Government had done everything which they possibly could in this case. Provisions to a great extent had been sent out, and the sending out of a vessel, and that vessel a steamer, would be most ineffective, because she could carry neither provisions nor coals to last for a twelvemonth. The House would also recollect that Sir John Ross was expected to return in August, and would most possibly bring information up to the period of his leaving the ice. If the Government sent out a vessel with strict orders that she was not, by any means, to be shut up in the ice, she could bring no more information than one of the whale ships.

Subject dropped.

STATE OF PUBLIC BUSINESS.

Mr. MILNER GIBSON: Mr. Speaker, I wish to call the attention of the noble Lord at the head of the Government, and also the right hon. Baronet the Chancellor of the Exchequer, to one or two matters connected with public business. I believe it may be stated with truth, that there has been only one sitting for the transaction of Government business, and the night of the Navy Estimates may be said to be the first night of the Session. We know that the question of Papal aggression is the cause of considerable delay of public business. The question I wished to put to the noble Lord and his right hon. Colleague is this. Inasmuch as there is only practically a certain limited duration to Sessions of Parliament, inasmuch as many important public interests have a right to be heard and attended to in this House, I now ask the noble Lord whether it is fair, inasmuch as the responsibility devolves on him as the conductor of public business in this House, to appropriate so large a portion of the whole Session to the discussion of this question of Papal aggression. I willingly admit that great numbers of respectable people do take an interest in this question, but there are others who take an equally strong interest in other important questions, and I wish to call the attention of the right hon. Baronet the Chancellor of the Exchequer to the alleged equalisation and reduction of the coffee duties. The right hon. Gentleman gives notice that he is going to reduce the coffee duties. What, Sir, is the effect of it? Why, until that reduction is known, no business can be carried on; you at once suspend and interrupt an important trade. If the Chancellor of the Exchequer gives notice to the world that he intends to deal with the coffee duties, I say it is the incumbent duty of the Government to proceed with those resolutions, which will enable the Customs to commence taking the new duties on the article in question. It is the same with the timber duties; and, representing as I do a large manufacturing and commercial constituency, I feel it my duty to make some complaint at the unfair appropriation of public time. I do not know whether we shall divide to-night, I think it probable we shall not. In fact, I do not know when we shall divide. Under these circumstances, therefore, I do hope the noble Lord will give some intimation that after this week the question of dealing with Papal aggression will be laid aside for the present. After the proceedings of last night—after that most able speech of the right hon. Gentleman the Member for Ripon, the Government ought to give time to the country to digest it. There is also a strong rumour about, that the Government will find it necessary to withdraw this Bill in consequence of the first clause containing those very provisions which the noble Lord is so extremely anxious to avoid. If that is the case, do not let us press on with any unnecessary haste. Let us rather lay it aside for the present; go to the real business of the country; and when you find these animosities somewhat subsided, you will be in a better position to give a patient and careful consideration to your legislation.

Sir T. D. ACLAND did not think it fair to blame the noble Lord for the time consumed in the discussion of the question on Papal aggression, because he did not think it was his noble Friend's fault. The noble Lord had not made very many or very long speeches, and certainly no very angry speeches on the subject.

Mr. ROCHE wished to call the attention of the House to the question which had been put by the right hon. Member for Manchester. That right hon. Gentleman had asked whether, after Her Majesty's Ministers took the Second Reading of the Ecclesiastical Titles Bill, they would be prepared to go on with the other business of the country. He (Mr. Roche) hoped the noble Lord at the head of the Government would pay attention to that question. If the noble Lord compelled the House to go into a discussion upon the Ecclesiastical Titles Bill, without any regard to many other important questions, to questions respecting Ireland—more particularly that of the tenant-right—the noble Lord must not be surprised if hon. Gentlemen coming from Ireland should, however reluctantly, avail themselves of all the forms of the House in order to insist upon this Bill, after having received its second reading, should stop there until the other business of the country was proceeded with. He supposed the noble Lord had a policy; he had got a Chancellor of the Exchequer, and no doubt that right hon. Gentleman had got a budget. Let them then try the Government upon its general policy, and not proceed with the present species of governing, which was one merely to oppress Ireland, and torture the Roman Catholics of the country.

Lord J. RUSSELL: Sir, I have no objection at once to answer the question of the hon. Gentleman, but it is a very different question from that which was put by my right hon. Friend the Member for Manchester. The right hon. Member for Manchester complained of the great length of the debate upon the Second Reading of the Ecclesiastical Titles Bill, and asked whether we could not suspend the adjournment of that debate, and whether we could not take a question of other business in the meantime. That seems to me to be a question improperly addressed to the Government. I should have been glad if the debate had finished on Monday last; but the question is one which should have been addressed to those hon. Gentlemen who wished still to speak upon the question, but who, I apprehend, will find, in the end, that the matter has been tolerably well exhausted. With respect to the question of the hon. Gentleman the Member for the county of Cork, I have no hesitation in answering that, which was, whether, assuming the House comes to a second reading, we shall proceed to the other business of the country? In answer to that question, I say, as it has been stated before, to the House, clearly and distinctly, that as soon as the House has decided upon the second reading of the present Bill, we shall go on, on the first Order night, with the Army Estimates. We shall endeavour to take the votes of the men for the Army immediately, so that we may bring in the Mutiny Bill; and notice will be given on the next Order night respecting the bringing forward the Budget. On the next Order day we shall take the discussion on the renewal of the Income Tax. I therefore hope that this explanation will be perfectly satisfactory.

ECCLESIASTICAL TITLES ASSUMPTION BILL — ADJOURNED DEBATE (FIFTH NIGHT).

Order read, for resuming Adjourned Debate on Amendment to Question [14th March],—Debate *resumed.*

Mr. B. OSBORNE said, that in addressing himself to the question before the House, he did not hope to be able to throw out any new light on the subject:

after the luminous speech of the hon. and learned Member for Plymouth, and after the massive arguments and the deep philosophical spirit which pervaded the speech of the right hon. Baronet the Member for Ripon, he must, indeed, be a vain or a bold man who could hope to add anything to this subject. He must say, that if he had been permitted to consult his own inclination or convenience, he should have been inclined to preserve what might be termed a judicious silence upon the question, where nothing was to be gained but heartburning, excitement, and irritation. But as it might be said by "good-natured people" that he was more solicitous to secure his seat in that House than to abide by a fixed principle—that he made a trade-wind of fanaticism, to be blown by its means into the haven of a Parliamentary port—at the risk of forfeiting the confidence and offending a large body of his constituents, he had resolved to speak out his own honest convictions on this new phase of the Catholic question. Not that he had had to present one petition from the great county of Middlesex which he had the honour to represent against the Bill under discussion—or that there had been any county meeting in that district which Cardinal Wiseman was to "order and govern" to express the abhorrence of the inhabitants against Papal aggression. At the same time, he was willing to admit that there did pervade this county a great spirit of resistance to what was called Papal aggression. He did not underrate the difficulty of the Prime Minister, and he would go so far as to say, that he believed that in the provinces of this country the public opinion was, that the Minister rather lagged behind than went in anticipation of the public wishes. He did not dispute that fact; still less was he inclined to dispute or cavil at, or find fault with, those who said that the tone of his Eminence of Westminster was eminently arrogant and imperious. But because a Romish ecclesiastic of high rank had thought proper to issue a mandate, couched in the language of the middle ages, was the isle to be frightened from its propriety? Was the Parliament to be called upon to pass a measure in opposition to that mandate, and framed in a similar spirit? Were our Roman Catholic fellow-subjects to be stigmatised as bigots, or branded as disloyal, because Cardinal Wiseman publishes a harmless act in an inflated and bombastic manner? He (Mr. Osborne) must dissent from that view of the question. But it was said that this Bill was an innocent, a harmless, and a mild measure; and the hon. and learned Solicitor General laid great stress upon that point. It had been said that neither the House of Commons nor the country ought to be deluded by the representation that this measure was a renewal of the penal laws. He contended that this Bill was the first step towards the revival of the penal laws. Let them dissemble the matter as they would, the truth was that this was a penal and persecuting measure, and was the first step towards that revival. It did not follow that because it contained no punishment such as disembowelling priests, and hanging and beheading laymen, that it was any the less a penal Bill. He was aware that some persons said its mildness was due to the Bishop of London, who had suggested just such a penalty as one bishop should impose upon another—

> "Narcissa's nature's tolerably mild,
> To make a wash she'd hardly stew a child."

But though the penalty was only fine and imprisonment, not death, it was none the less penal because it only imposed restriction. Restriction was the only form of persecution which the present age would permit, and therefore the only difference between the Bill and the penal laws was to be found in the fact that this was the nineteenth century, and not the sixteenth. In his opinion the noble Lord at the head of the Government deserved the gratitude of the country for omitting the second and third clauses; but at the same time he (Mr. Osborne) was bound to say he detested the fragment of persecution left remaining in the Bill. He agreed with John Locke, that all religious creeds should have a free course allowed to them, provided they did not interfere with the regulations and interests of society; and he, therefore, advised the noble Lord to go still further than he had done, and to omit the preamble of the Bill altogether. In listening to this debate, which had become almost exhausted, he thought hon. Gentlemen could not fail to be struck with the fact, that the sum total of the arguments of the supporters of the Bill was unmitigated vituperation, with one or two exceptions, of the Roman Catholic religion. Let them take the arguments of the lawyers, from both the Chancery and the common law bar, who had spoken on this question. What said the hon. and learned Gentleman the Member for the University of Cambridge? Why, he drew a comparison between the state of Catholics in Belgium, Italy, Switzerland, and elsewhere, and the inhabitants of Protestant countries. That comparison might, no doubt, have suited very well in the debate on the Catholic Emancipation Bill of 1829; in fact, it was nearly identical, word for word, taken from a speech delivered by the former hon. Member for Cambridge University on that occasion. Such speeches were the stereotyped and hereditary arguments brought forward when any Roman Catholic question was under debate in that House. But with all submission to the hon. and learned Gentleman's acquirements, he wished to ask him what such a comparison as he had drawn between Catholics and Protestants had to do with the provisions of this Bill? What reference had it to the 100*l*. penalty which was now proposed to be imposed on our Roman Catholic fellow-subjects? Or how would that penalty hinder the commission of the offence which the measure proposed to check? The hon. and learned Member for Aylesbury had delivered a speech to the House which had made him (Mr. Osborne) suppose that the hon. and learned Member really imagined he was addressing a Committee on a railway question. He (Mr. Osborne) had compared that speech with what he conceived a former Member for Aylesbury would have spoken. Lord Nugent would not have made such a speech. He (Mr. Osborne) was glad of that opportunity of paying his tribute of respect to the memory of an excellent man, who, he repeated, would not have made such a speech as his successor had done. And what did the hon. and learned Gentleman say? Why, in order to conciliate the Roman Catholics, he spoke mildly of the conduct of the Roman Catholics at the time of the Spanish Armada—that must have been highly gratifying to Roman Catholics of the present day—and then he proceeded to draw a comparison between England as it was and England as it is, between England under a Roman Catholic Government, and England under a Protestant dynasty. Why, it was very true that in Roman Catholic days there was a concordat between the Pope and the sovereigns of this country, who claimed the nomination of bishops for a very good reason, because at that time of day the State contributed to the support of the Roman Catholic religion. The Church claimed temporal and spiritual power, and it was necessary that the Pope should not have that authority in this country. But what analogy was there between that time when the State maintained the Roman Catholic religion and the present, when the State not only did not do so, but was jealous if any money was given by a private individual to the support of Roman Catholic convents, chapels, or churches? There was no analogy, then, between England as it was, and England as it is. But what said the hon. and learned Solicitor General, who in his (Mr. Osborne's) opinion had made one of those slashing speeches which might tell in Westminster-hall, but which he did not think would have much weight on Gentlemen in that House? Why, that hon. and learned Gentleman professed to be greatly alarmed at the introduction of the canon law; and when that alarm was expressed, many hon. Gentlemen near him shrugged their shoulders and exclaimed, "The canon law! how horrible." Why, what was canon law? What was it but the code of discipline of the Church? The canon law had existed in Ireland since the days of St. Patrick, and he was astonished to hear what the hon. and learned Gentleman the Member for the city of Oxford said about the bull *In cœna Domini.* That bull had never at any period been introduced into Ireland. But what was this canon law which alarmed the sensitive intellect of the hon. and learned Solicitor General, and how did this Bill affect the canon law? Was the hon. and learned Gentleman aware that at this moment the most arbitrary and vexatious parts of the canon law were enforced by the vicars-apostolic? Was he aware that a vicar-apostolic might degrade or suspend a priest without giving any reason? The House might well ask who called for the introduction of bishops, which was a preliminary step to the introduction of the canon law. Why, the Roman Catholic laity had called for it; and the Roman Catholics had called for it not as an insult to the people of this country, but as a protection to themselves. These were the parties who called for the change from vicars-apostolic to bishops in ordinary. A vicar-apostolic was far more powerful than a bishop, and far more under the power of a foreign sovereign. Those who had ever read the works of the Right Rev. Dr. Doyle knew that the vicars-apostolic were mere agents of the Pope; whereas the bishops were in the position of prime ministers in their respective sees. In reading a very remarkable pamphlet written by Mr. O'Dwyer, formerly a Member of that House, he found stated, on the authority of Sir John Cox Hippesley, that Mr. Pitt, in 1799, suggested to Cardinal Erskine the propriety of doing away with vicars-apostolic, and appointing British bishops; but for some reason which did not appear, such a step was not then taken. If then Mr. Pitt, in 1799, proposed such a thing, surely those hon. Gentlemen who professed to be the successors to his policy ought not to dissent from that proposition. Well, he had another great authority to refer to on this subject. Lord Lyndhurst said—

> "If you allow to the Roman Catholics liberty to promulgate their doctrines and enforce their discipline, you should allow them to do so perfectly and properly; and as the Roman Catholic was an episcopal church, how could its discipline be carried on perfectly and properly without the appointment of bishops?"

But there was another authority of later date. He found the noble Lord now at the head of the Government using the following language on this subject, in a discussion on the state of Ireland in 1844:—

> "I think that we ought to take away every thing derogatory to the position and character of Roman Catholic bishops. You provide by statute that they shall not be allowed to style themselves by the name of the dioceses over which they preside. I think that is a most foolish prohibition. You declare that Dr. Murray shall not style himself Catholic Archbishop of Dublin; but he is so nevertheless."—[3 *Hansard*, lxxii., 720.]

And he (Mr. Osborne) would now say to the noble Lord that the Roman Catholic bishops were bishops, notwithstanding any Acts of that House, and that this Bill was "a most foolish prohibition." He could not but regret the "No-Popery" cry which had been again raised in this country. He feared that, while they had their attention directed towards Rome, a most serious inroad had been made upon religious liberty. But when they recalled to mind the expressions which had been made in that House and elsewhere by people who called themselves staunch Protestants, he was puzzled to discover what was the real definition of staunch Protestantism. The hon. Member for North Warwickshire and the hon. Member for Surrey (not East Surrey, for wise men came from the East, but West Surrey), *Arcades ambo*, had spoken in this strain; and when they said they were "staunch Protestants," he (Mr. Osborne) was reminded of the intoxicated soldier in Goldsmith's *Citizen of the World*, who, struggling for support against a Church, damns the Pope, exclaims, that he is the only friend of the Protestant religion, and concludes by saying to the church, "I will stand by you, old girl." He would recall to these hon. Gentlemen who were so staunch in their advocacy of Protestantism, and so vituperative as regarded Roman Catholicism, the words of Mr. Burke—

> "I would say, if mere dissent from Rome be a merit, he that dissents most perfectly is most meritorious. On many points the Protestant agrees with the Roman Catholic. That man, therefore, must be the best Protestant who protests against the whole of the Christian religion."

Those sentiments were more worthy of quotation than the long Latin quotations of the other hon. Member for North Warwickshire. When he saw the phrenzy that had seized all classes of the people—when he read the post-prandial excitement of a Lord High Chancellor, in the midst of the hiccuping hysterics of a Court of Aldermen—when he saw the Prime Minister, and the Lord Mayor, and all classes, in a phrenzy, he could not but recall to mind those days—

> "When oyster women locked their fish-up,
> And trudged away to cry 'No bishop!'"

When he read the speeches of the Sir Peter Laurie of the present day, he could not help recalling to his mind the days of 1678, when a Sir Peter Laurie of that time, the chamberlain of the city of London, declared "that precautions ought to be taken against the plots of the Papists, for fear the citizens should rise some fine morning and find their throats cut." The speech of the noble Lord the Member for Bath, who, in Pharisaical language, appeared "to praise God he was not like other men," in his quotations from Milton, and the sanctimonious air of his delivery, reminded him of a similarly sanctimonious speech made by that noble Lord's ancestor, in 1678, against the Popish Plot. The following was the peroration:—

> "In fact, Sir, I would not have so much as a Popish man, or a Popish woman, allowed to remain here; not a Popish dog, nor a Popish bitch—no, not as much as a Popish cat to purr or mew about the king."

And the historian added, that this extraordinary speech met with general approbation. And that was the gist of every speech he had heard in favour of this Bill, with the exception of that of the noble Lord at the head of the Government, who, he was bound to say, had addressed himself to the subject in a moderate way, and was not deserving of the odium which had been endeavoured to be thrown on him by the hon. Member for the city of Dublin. But he grieved to say, that, not only in that House, but on the platform and in the pulpit, there had been a revival of cries which he thought were altogether obsolete. He regretted to see the walls chalked with the words "No Popery," and to hear men who knew better revive the accusation made years ago against the Catholic doctrine in the service of ordination, founded on the words contained in it, *Hœreticos ego persequar et expugnabo.* Now, surely the hon. and learned Member for the city of Oxford knew enough of Latin to be assured that the true meaning of these words was not, "I will exterminate," but, "I will proselytise heretics to the best of my power." But, even supposing the words to bear the meaning attributed to them, they were not now part of the Roman Catholic oath; for they were struck out in the year 1791. When hon. Gentlemen were so sensitive on the subject of oaths, he would refer them to an oath taken by King William the Third and Queen Mary. King William swore, "We swear to root out all heretics and enemies to the true worship of God that shall be convicted. King William made scruples about taking the oath; and, on the bishop's recommendation, he took it in a non-natural sense. Why quote Van Espin, when they had Stewart Percival, a Scottish Protestant divine, and one of the commentators of that period, who said, "By the law of God, idolaters were to be put to death." Now, what would the hon. Member for the University of Oxford say to that? Persecution never was confined wholly to the Roman Catholics. As a great writer had said, "Persecution is not an original feature in any religion, but it is the marked feature of all religions established by law." If they were inclined to rake up these unfortunate stories about religious persecution, Protestants would not come very well out of the matter. Our virtuous Queen Elizabeth consented to a little bit of persecution towards the end of her reign. But away with the recollection of these religious persecutions! all but narrow-minded and bigoted men must wish that they were forgotten. But, if he confessed that he entertained no anxiety about the appointment of Roman Catholics in this country, he was ready to admit that there was a very grave question, one included in the Durham letter, which he should desire to see taken up in earnest—he alluded to the present condition of the Church of England. He was afraid that our Universities did not conduce to the purity of what was taught in the Established Church. Was it not notorious that the doctrines of the Church of England were as various almost as the parishes of England? Was it not notorious that in one parish you might hear ecclesiastical infallibility insisted on, and in another the all-sufficiency of the Scriptures; in one diocese the Thirty-nine Articles were interpreted in a natural, and in another in a non-natural sense. In one, the bishop told the people that they must be taught by traditions, and in another by the Bible alone. If they went to Pimlico, auricular confession was insisted on; and if they went to Liverpool, they would find that practice denounced as worthy of the punishment of death. And when they talked of the Siccardi laws, of Santa Rosa and Archbishop Franzoni, he might call their attention to the disgraceful proceedings which had lately taken place at Chichester, where a respected Dissenting minister was denied the rites of sepulture in the churchyard, because he was a Dissenter and a teacher of Dissenters. Away with all this reference to the proceedings of Roman Catholics in Roman Catholic countries! We had to do with English, and not with Italian Roman Catholics. We had to do with men who never did, and who never would, consent to this degradation. How came it that in reply to an address the other day the Bishop of Oxford denied that any Tractarian doctrines or tendencies were taught or sanctioned by the clergy of his diocese? Were we to go to Exeter as a guide, or to Bath and Wells? or should we come to the metropolitan dignitary, who was content to allow candles on the altar, provided they required no snuffing? The people of England would feel more obliged to the noble Lord at the head of the Government, if, instead of this Bill, he had brought forward a measure for the purpose of carrying out more effectually in our own Church the principles of the Reformation. They would be more obliged to our bishops, if, instead of making speeches against Roman Catholics, they would take the question of the Rubric in hand; and they would be still more obliged if the hon. Member for the

University of Oxford, instead of raising the cry of "Stop thief!" against the Roman Catholics, would endeavour to reform the whole university system. Was it not notorious that a great proportion of the younger clergy were being brought up under what was called mediæval influences, and were only "mock-turtle Romanists? Had not the University Professor of Poetry been supported, not for his poetical celebrity, but because of his Puseyite opinions? Was it not the same case with regard to the University Preacher appointed the other day? Why was Dr. Hampden persecuted? Because he decried the authority of tradition. And what happened last week?—the appointment of an officer in the university who would have to vote on the decision of theological questions, that officer being a gentleman who laboured under the misfortune of having been suspended by two bishops for preaching what were called "Tractarian" sermons. While the eyes of the people were turned to the Vatican, Oxford was attacking them in the rear; and it was not the pastorals which issued from the Flaminian Gate which they had to fear, but the homilies proceeding from Oriel and Christ Church. These were the pastorals which there was reason to dread, for they were not only insinuating but insidious. He was strongly of opinion that as protection was the bane of agriculture, so would protection prove to be the bane of Protestantism. If the Church was fated to fall—he meant the Act of Parliament Church—she would fall not by the hands of foes from without, but of those who were within her gates. She had acquired great power and dominion, and, like Cæsar, she might be fated to be laid prostrate by the hands of professed friends, but disguised assassins. The country called for a thorough reform of the Church of England; not by commissions such as those which had been issued by the Crown—but such a reform as would throw the universities open to Dissenters. The Church of England wanted strength from that quarter. Hallam, in writing on ecclesiastical matters, said—

> "Ecclesiastical, not Papal aggressions, are what the laity have to dread; and though it may suit some zealous opponents of Rome to turn their eyes in that direction, the true enemy is high Church principles, be they enunciated by Pope, bishop, or presbytery."

So much for the English part of the question. The noble Lord gave no real satisfaction by his Bill, and, sooner or later, he must meet the question of the state of the Church of England; sooner or later he must, with a high hand, reform our universities. But let him assume, for argument's sake, that the passing of some measure to repel Papal aggression was defensible in this country, where the great proportion of the people were Protestants—a country essentially Protestant—what excuse could the Government have for including Ireland? Was it recommended by the right hon. Gentleman the Secretary for Ireland, who was never seen in his place, and from whom they could never hear anything about Ireland—or from the hon. and learned Attorney General for Ireland, who was always absent? Did they recommend those measures? Ireland, exhausted by misfortune, was, up to this moment, passive on this question: sectarian differences had been dying out. The only aggression in that country was the aggression of the paid Church of the minority; the people there were more engaged about poor-rates than theology, and their speculations were more about potatoes than the Pope. But this measure had excited the old *odium theologicum;* and what more had they done? They little guessed what they had been doing; but the fact was, they had been increasing the power of the priests. He wanted to know from the noble Lord under what pretext this measure was introduced into Ireland. Even at English county meetings, at which so much rampant fustian was poured forth, was there a single recommendation that the measure should be extended to Ireland? Even the hon. Gentleman the Member for North Warwickshire did not recommend it. Had any one ever said that Ireland ought to be included in the Bill. Oh yes—the paid Irish Protestant bishops. But what statesman, since the days of Primate Boulter, would think of ruling Ireland according to the dictates of the Protestant bishops there? But there had been a meeting in Ireland on the subject, and they asked that the Bill might be extended to Ireland. That meeting was held in the Rotunda—the Exeter Hall of Dublin—on the 29th of January, 1851, It was what was termed a meeting of the Protestants of that city. Some noble Lords were present, and amongst them the Earls of Roden, Maynard, Clancarty, and also Lord Naas, a Member of that House.

LORD NAAS: I beg to say I was not there.

MR. B. OSBORNE: I am very glad to hear the noble Lord was not. It is to his credit, representing as he does the Catholic county of Kildare. The report of the meeting set forth that prayers were read, and the doxology sung, and the Kentish fire was given as a matter of course, when more than the usual ultra bigotry was to be expected. It was a curious fact, that whenever any meeting in Ireland was commenced with the reading of prayers and the singing of the doxology, the most unchristian and uncharitable speeches were sure to follow. Well, then, prayers having been read, and the doxology sung, and three rounds of the Kentish fire, the Earl of Enniskillen proposed that Mr. Grogan, the hon. Member for Dublin, take the chair; and he did so amid three rounds more of the Kentish fire, and cries of "More power to you, Larry Grogan!" Mr. Grogan was of opinion that all these Roman Catholic doings had been brought about by the encouragement which had been given to Roman Catholics by the Government giving them places, &c. After calling upon the Protestants of Ireland to stand by him, and upon the meeting to give three more cheers, he sat down. A Mr. Wallace, who was present, compared the Lord Lieutenant to the lady sitting upon the seven hills, or something of that sort, by calling him the Vice-Pope; but the Earl of Clancarty came more properly to the business of the meeting. He denounced the Education System and Maynooth Grant, and then he said nothing effectual could be done unless the Government would do away with Maynooth and the National Board. But a person called the Rev. Mortimer O'Sullivan, far surpassed all the rest. Indeed, Protestant clergymen in Ireland distanced all the laity in this description of oratory. Not content with doing away with the National Board, the Poor Laws, and Maynooth, he vehemently called upon the Government to re-enact the old penal laws. This O'Sullivan was the person who has been in the habit of "starring" it in the provinces. He said that it was undeniable that so long as the penal laws existed in Ireland there had been quietness and tranquillity. These were the allies of the noble Lord. Was the noble Lord prepared to adopt such allies? Was he prepared to do away with the Maynooth Grant, and the National Board, and the Poor Laws?—because if he were not, he would get no support from these gentlemen. The noble Lord had stated that other measures might be necessary in case the Roman Catholic ecclesiastics proceeded to extremes in their opposition to the system of education established under the Queen's Colleges. He (Mr. Osborne) must say, that he lamented the course taken by the Roman Catholic bishops at the Synod of Thurles, but he was not surprised at it, knowing that it was only recently any clergyman would support education. This failing was not peculiar to the Roman Catholic clergymen, for it was only since the laity insisted upon being educated that any of the clergy would consent to their education. They consented when they could no longer oppose—when they could not help it. The noble Lord had said that some Roman Catholic prelate had called upon him, and stated that he could not countenance any system of education, unless based upon a theological theory. But was this view peculiar to Roman Catholic ecclesiastics? Had not Dr. Sewell, a fellow and tutor of Exeter College, Oxford, published a book, called *Christian Morals*, and what did he say there? He would read a remarkable passage. In treating of Zoology, he said he believed—

> "The spiritualised eye might expect to find the figure of the cross on all the works of the creation, and he would not be surprised if all the theoretical figures were reduced to this element—a central column, and a lateral projection."

[The hon. Gentleman also quoted another passage from the same work, in which the writer attempted to make the revelations of geology typical of the ceremony of baptism.] The noble Lord was quite ready to condemn the Synod of Thurles for having condemned the colleges; but the hon. and orthodox Baronet the Member for the University of Oxford had, in point of fact, stood godfather at the baptism of this new Roman Catholic university. Yes; the hon. Baronet, as the representative of the University of Oxford—the friend of orthodoxy—had denounced the Queen's Colleges in language more vehement than the Synod of Thurles had used. What did the hon. and very orthodox Baronet say? He said, in a tone and manner, the solemnity of which he (Mr. Osborne) well remembered, that "the whole proposal seemed to be that all instruction should be based on this world, and that it was a gigantic scheme of godless education." The hon. Baronet went on to say, "they ought to carry out the same principle with regard to education which the Roman Catholic prelates advocated; he did not blame the Roman Catholic bishops, but adopted their doctrine on that branch of the subject to the full extent." The right hon. Gentleman the Member for South Wiltshire had shown that the Roman Catholic clergy was not the only body which interfered in temporal matters, for that the Dissenting ministers had met in council to denounce the corn laws. But he had another illustration, which the noble Lord would recollect. He held in his hand a protest signed by nine of the Protestant bishops of Ireland against the National Board. They protested in the strongest manner against National Education. They commenced by saying it was with the utmost reluctance and regret—they always commenced the most bitter invectives with "reluctance and regret." And how had they followed up this protest? Why, by literally proscribing every Protestant clergyman who supported the system; and it was well known that those clergymen who did so were excluded from all chance of being presented to a living. One rev. Prelate, the Bishop of Cashel, characterised these schools as "the devil's schools," going a step further than the orthodox Member for the University of Oxford. Now, the Synod of Thurles used much more respectful language. They did not call the noble Lord's Government the devil's government; but he held in his hand a speech in which much stronger language was used by the Bishop of Cashel. [AN HON. MEMBER: Is he a Roman Catholic bishop?] No, a Protestant bishop. The Catholic bishops, to do them justice, never used such language. That was the language which could only be used by the Prelates of the State Establishment—the paid bishops. It was only those gentlemen who were entitled to designate the State schools "devil's schools." If the Catholic bishops issued anything like that language, they would at once be indignantly denounced in that House; but, of course, it was perfectly becoming in a bishop who received 5,000*l.*, had large patronage, and a very small congregation. This Bishop of Cashel said—

> "It is a hopeful feature of our time to see that, out of about 2,000 clergymen of the Irish branch of the Established Church, 1,500 have protested against the measures of the present Government. It is a noble thing that three-fourths of the clergy are not afraid to stand out as supporters of God's truth, in defiance of the mock liberality of the blinded head of the Administration."

The noble Lord said nothing of the anathemas of the Protestant bishop; his whole animosity was directed against the unfortunate Roman Catholics who met at the Synod of Thurles. Now, after all the insinuations which had been thrown out against the Roman Catholic bishops, he asked the House what it was prepared to do? Was it intended to make them bad Catholics, because they would not become good Protestants? Did they propose to endanger the State because they could not enlarge the Church? Why persist in attributing faults to the Irish character which were not inherent in it? He would ask them had they ever treated Ireland as if the Irish were friends and equals? Had they respected her religion? He asked the noble Lord to recollect the words of Mr. Burke, and to respect the religion of Ireland; for Mr. Burke said, that until "men were in that frame of mind that they would regard with respect what fell from other people, they were not in a frame of mind to make laws for that people." Judging the conduct of the Government on this wise principle, there could be no doubt but they were dissolving instead of fastening the bonds that ought to bind the two countries, and pursuing a most vicious course of legislation. For who were the real bishops of Ireland? Was it the Bishop of Cashel? No, he received his 5,000*l.* a year, but the real bishops of Ireland were the M'Hales and the Cullens. [*Cries of* "Oh!"] Yes, he repeated it, and he warned the noble Lord and hon. Members that the phrase "Italian monks" was not a very wise expression. He warned the Attorney General and the Solicitor General, the law advisers of the Crown, that "Italian monks" was not a prudent expression to proceed from the Treasury bench. It would be very much better if those hon. and learned Gentlemen turned their attention to the English monks who lived at Oxford. He agreed in the sentiment expressed by the hon. and learned Gentleman the Member for Plymouth, in his luminous speech, for which the House and the country were under obligations to him—that the State was indebted to all religious teachers—to all who taught morality and inculcated obedience to the laws. Something of a similar idea was beautifully expressed by Burke, who knew Ireland better than any of his day. He said—

> "My decided opinion is, that the three religions which prevail with more or less force in this island ought all to be subordinate to the legal establishments of the country—that they ought to be protected and cherished, and that in Ireland

> particularly, the Roman Catholic religion should be upheld in high respect and veneration, and that those who taught it should be provided for; it ought to be cherished as a great good, and not tolerated as an inevitable evil."

In these sentiments he entirely concurred, and believed that this Bill was not only impolitic but unnecessary, because he looked upon it as a reversal of that enlightened policy which we had of late years been pursuing; but, above all, he was opposed to it upon true Protestant grounds, because he believed that it was trenching on the principle which they had so dearly won at the Reformation after many perils and many battles, and which they so highly prized—the principle of religious freedom; and, finally, because he believed in his heart that it trenched on the right and free exercise of private judgment.

MR. BAILLIE COCHRANE must deprecate the violent language which had been made use of with respect to so great a Church and so great a body of men as the Roman Catholics; but he must lay the blame at the proper door, for his firm belief was, that the whole of the agitation had been caused by the noble Lord at the head of the Government, whose noted letter was at the bottom of all the agitation of the last seven or eight months. It somewhat surprised him to find the noble Lord arousing the "No-Popery" cry, when he recollected that the noble Lord attributed his defeat in Devonshire, not many years since, to the very same cry. He (Mr. B. Cochrane) wished to know whether, before the noble Lord wrote his celebrated letter, he had not had a communication with the Bishop of London on the subject—whether, when that Prelate expressed himself very strongly with respect to Papal aggression, the noble Lord did not remark that it was of no consequence whatever—and whether the views of the noble Lord had not very much changed between the time of that conversation and the time when he published his very mistaken letter? He (Mr. B. Cochrane) strongly condemned the mischievous and calumnious language used by the press against the Roman Catholics. One newspaper stated that there was an organised conspiracy of Jesuits in Exeter. Another justified the Protestant boys of Liverpool for hooting the Roman Catholic children as they went to school. In that High Church organ, the *Standard*, it was said that the Popish plot had been revived in London by the Papists; and its excellent and venerable mother, the *Morning Herald*, asserted that ladies could not walk out but they were solicited by priests to become Roman Catholics, or turn a corner without being met by some Jesuit who accosted them with the same object. And what were the expressions used by Dr. M'Neile and other members of the Church? "The devil's mouthpiece," "the Pope an impostor," "a mighty evil," "a monster lie," "the great beast of the Reformation," &c. The same rev. gentleman spoke of the worship of Rome as "the worship of the devil;" and in another of his speeches he proposed that all Roman Catholics should be expatriated. The hon. Member for West Surrey had applied most calumnious language to a gentleman, one of the most excellent of men, and in whom many of his (Mr. B. Cochrane's) friends took the deepest interest. He appealed to the hon. Member whether he ought to have spoken in such a manner in that House of so respectable a gentleman as Mr. Faber—a man who stood high in the opinions of every one who knew him. He had, indeed, changed his religion, and he (Mr. B. Cochrane), firmly believed, erroneously; but that was no excuse for the scurrilous language which had been employed, and it was only astonishing how a Gentleman and Member of that House could make use of such expressions. The noble Lord at the head of the Government told them last night that the Roman Catholic religion had been making greater progress since the revolutions of 1848, which had been brought about by the mischievous policy of the noble Viscount the Minister of Foreign Affairs, and that men, seeking for some safety, were resorting to the authority, the influence, and the name of that Church. What were they, then, to understand from that? Why, that at any rate the Roman Catholic religion had this advantage, that of resisting the progress of revolution, and counteracting the dangerous and false policy of the noble Viscount. A great deal had been said about the favour which the present Government had shown to Roman Catholics and to the Court of Rome. It so happened, however, that when the Lord Privy Seal was in Rome his principal friends were the agitators against the Court of Rome. Indeed our consul, Mr. Freeborn, had granted passports to all the Roman vagabonds who had been engaged in the revolution. While they were on the subject of the different opinions entertained of the

Church of Rome, he would take the liberty of asking the noble Lord whether he was one of those who attended the meetings of that arch agitator, Father Gavazzi, who gave lectures to Italians? These lectures were quoted in the foreign newspapers, and it was strongly remarked, that while we were talking of favour towards the Papal Government, we could yet allow such addresses as these to be delivered in the heart of this city. He would call the attention of the House to this subject. What must the opinion of continental nations be, when they learned that no steps had been taken by the Government in this matter? In one of his lectures, this Father Gavazzi had used the following language, in speaking of the Archduchess Sophia of Austria—a person of the highest character in that country. The lecturer stated that she was "a dissolute parody of the Etrurian Matilda, propping up a tottering Papacy, and compounding with monkish confessors for personal license, by crushing the liberties of mankind." That was the language used by Gavazzi; and he believed that it had been complained of by the Government of Austria, and that explanations were demanded. Now he would only ask whether this language was patronised by persons of high station in this country; and while they were upholding every abusive word against the Pope and the Continental Governments, how they could turn round and speak of the good feelings which they had always evinced towards Rome and the Papal Government? The noble Lord had talked of a comparison between countries where the Roman Catholic and Protestant religions prevailed. But he (Mr. B. Cochrane) would ask, was not the Roman Catholic religion the religion of Italy at a time when that country was at the head of the civilisation of the world, and in the possession of all her glory? He had ventured to protest against the language which had been employed in reference to this subject; for, while giving his vote for the measure, because he thought that Parliament was justified, if it thought fit to do so, to protest against persons taking the title of archbishop or bishop in this country, without the permission of the Sovereign or the Government, he did not wish to be classed with those who voted for the Bill from feelings of intolerance towards the Roman Catholic religion—feelings so degrading as could proceed only from men who were attached to the Church, like the quaint heads fixed on old cathedrals, for the purpose of pouring forth all that was corrupt and vile. He considered himself fully justified in voting for this measure, and also in protesting against that language. He might be accused of inconsistency, and run the risk of having his views mistaken; but he would not refrain from offering his tribute of admiration at the manner in which Roman Catholics had borne the most improper language which had been applied to them and their religion; and he must say, while voting for the Bill, that he entirely sympathised with their views and feelings.

MR. C. FORTESCUE felt bound to oppose the measure, and considered that the scenes which had taken place in this country lately, as well as the lamentable scene which had occurred in that House on the previous night, ought to be a warning to politicians to avoid the dangers of religious discussion. It might be said that we were now legislating in reference to the position which the Roman Catholic Church was, for the future, to hold in Ireland. He always thought that we could not leave that Church for many years longer without a change in its position; but he must say that the liberal party never dreamt that such a measure as this would be proposed by the Government? He believed that no party pretended that the present measure would add to the efficiency of the Church either in England or in Ireland. He regarded the continuance of the Established Church in Ireland to be indefensible, except perhaps on the principle of *quieta non movere*. He had always thought that that Church, which was the Church of the majority of the people of Ireland, should receive some fuller recognition by the State; but he found that the effect of the present measure would be to ignore it more completely. He had seen, in the parishes of his own county, the priest attentive to the interests of his flock, while, he was sorry to say, the Protestant Church was almost empty. The only difficulty which he felt in dealing with this subject was, in being compelled to vote against the noble Lord at the head of the Government, whom, on such a question as this, he should have hoped to have followed as his leader. He was aware that, in doing this, he should vote against the opinions, and the excited feelings—transiently excited feelings, he trusted—of a majority of the people of this country; but he must be permitted to say, that he did not believe that these opinions and feelings correctly represented the better part of the Protestant movement which had recently taken place in this country. As far as that movement was an assertion of religious faith, and a repudiation of the foolish and arrogant pretensions put forward by the See of Rome, as a Protestant, he could not but participate in it; but he must blame the cowardly fear which it exhibited of leaving the cause of truth to take care of itself—and the desire which it exhibited to have recourse to the brute force of law and human legislation to enforce a statute against conscience and belief. He feared the history of the last few months would show that the principles of religious freedom were not so deeply rooted amongst us as we imagined. They had been told, during these debates, that they were bound to defend by legislation the rights of the Crown and the independence of the nation. If a Spanish Armada were on our shores, or a Roman Catholic insurrection in Ireland, he could understand people talking about rights and independence; but, used as those words had been in the present case, they appeared to him to be totally without meaning. Coleridge had somewhere said that "the history of a word had often more importance than the history of a country;" and he (Mr. Fortescue) must say that the history of the words so much bandied about lately—such words as "independence, jurisdiction, toleration," showed the confusion which prevailed in the public mind with respect to the real meaning of these words. Then they were told that they ought to treat this as a spiritual matter. The spiritual power of the Pope depended entirely on the acknowledgment of it by the Roman Catholics. It was said that the Pope might excommunicate the Sovereign, and absolve her subjects from their allegiance. Now, he must ask, under what condition alone could that power of the Pope be exercised? Only by his power over the consciences and belief of men. The belief of men must first be won over, and the conscience of England must first submit to Rome, before the power of the Pope could be felt in this land. How this was to be done, no one had yet pointed out. What would this Bill do against those spiritual feelings? He did not believe that the tide of opinion in this country was running towards Rome. The Bill in his opinion was utterly useless, and if it were ineffectual for good, they might be certain that it would be effectual for evil. Then they were told that the prerogative of the Crown had been violated by the recent act of the Pope, and that the Crown alone had the power to create bishoprics for any Christian society in the land. This supposed right he found supported by precedents drawn from the history of England from the time of the Conquest down to the Reformation. He must confess that the bringing forward of these precedents seemed to him as if we had travelled back several centuries—as if we had never had the Reformation, and as if the Roman Catholic Church now constituted our national Church. We seemed to have forgotten the existence of the Pope as the head of the Roman Catholic Church. We would only treat with him in his temporal character of the weak Sovereign of the Roman States. No proof had been adduced to show that the Crown possessed the right of appointing bishops to a Church not in connection with the State. In former days, when the monarch exercised that right, England was a Roman Catholic nation; but now the Romish Church stood in a different position in this country. The true successor of the Romish Church in this country was the Church of England, which had inherited the rights and the duties of the ancient Church, and towards which the Sovereign stood in a relation analogous to that in which former Sovereigns stood towards the Roman Catholic Church in this country before the Reformation. But he might be told that since the Reformation the Crown had exercised power in matters ecclesiastical more absolute than it did before, and that this measure of the Pope had violated the Royal prerogative. He must say, that if we were living in the reign of Queen Elizabeth instead of that of Her Most Gracious Majesty Queen Victoria, we should not have one word to say on the subject; but as it was, he considered it to be a pure anachronism. We had learned much since that time. The Elizabethan system—if he might use the term—permitted no distinction to be drawn between things temporal and things spiritual; for under that system the coercive power of the law was directed equally against both, and religious disbelief was not held sacred from its invasions. The denial of the ecclesiastical supremacy of the law was held to be high treason. The presence of a priest in this country would have been as little endured as the presence of an emissary of Philip of Spain. But now we made a distinction between things temporal and things spiritual. He thought we had made up our minds that whilst the Sovereign, as head of the State, had the same universal claim to the allegiance of Her subjects—a claim co-extensive with the empire—still, that Her superiority in ecclesiastical matters extended only to the National Church. The act of the Pope, therefore, must be judged by Parliament, not as if sitting in the sixteenth century, but as if sitting in the nineteenth century, and by hon. Members as subjects, not of Queen Elizabeth, but as subjects of Her Majesty Queen Victoria. But had no aggression been committed by the recent act of the Pope? He fully admitted that a real aggression had been made on the Church of England; but he said it was of such a character that that House had nothing to do with it. It was so entirely spiritual that it rested on a theory and a dogma so purely theological, that the House could take no cognisance of it whatever. They knew it was a theory of the Roman Catholic Church; and certain members of our Church held it also, that there could only be one bishop of a see, who was said to derive his authority from a certain mysterious succession or ecclesiastical pedigree, according to which one must be the true bishop, and any other an usurper and intruder; and he must consequently say, that for Parliament to take upon itself to decide whether Dr. Paul Cullen, or Lord John Beresford, was the real and spiritual Archbishop of Armagh, would be entirely beyond its province. The aggression on the law, and on the people, was merely imaginary, and any aggression on the Church of England was, he repeated, beyond the province of Parliament; but the independence of individuals, as well as the independence of churches or governments, was a subject which might fairly come under the consideration of Parliament. He, therefore, could conceive the possibility of his voting in favour of some Bill to assist the Roman Catholic inhabitants of this country in restraining the power of their priesthood when carried beyond proper limits. Yet he hoped that public opinion in this country would, as it always had, have great influence on the Roman Catholic community, and that no such measure would be necessary. He admitted that there was an individual as well as a national independence, and that some day the House might be called on to consider that question. He had great hopes that the public opinion in this Protestant country, and the public opinion of the Roman Catholic laity, would keep priestly power—of which no one had a greater dread than he—within proper bounds; and that it would throw its protecting shield over such helpless classes as dying persons and young women, who were more especially subject to the action of the Roman Catholic priesthood, and he could conceive himself voting in favour of such a measure, and doing that without any violation of the principles of religious freedom. He should therefore vote against this Bill with a conviction very much stronger and clearer than the words in which he had been able to express it. He should vote against it, because it was founded on a false principle of church government—because it was certain to produce much mischief, and to do great injustice to the country with which he was more immediately connected—because it was not calculated to represent the true Protestant feeling of the country, or to defend the Protestant faith, and provide for the security of the Protestant Church — and, finally, because it was a mere collection of the confused thought and lingering bigotry of the country. He, for one, must refuse to vote for a measure which must revive the dying embers of religious intolerance.

MR. CHILD asked the indulgence of the House while he said a few words on this momentous question. He approached the question with considerable anxiety, because, while he could not consent to refuse Roman Catholics the full profession of their faith, he felt he had a duty to perform not only to himself, but towards his Protestant fellow-countrymen, and could not forget that self-preservation was the first law of nature. They could not but regret the irritation which this subject had caused. Of all differences, those arising from religious quarrels were ever the most bitter; and the wounds inflicted in such strife the most difficult to heal. The question had, however, been forced upon them, and they could not avoid giving a decision. The issue had been joined, and the question put to that House, and it must give an answer, whether for the Pope or for the Queen. They might lament the discord thus jarring the political harmony of the country; but they must be well aware how this unhappy division had arisen. The apple of discord in the present instance had not been thrown by the Queen, or by the noble Lord at the head of the Government, but by a foreign Power, and by an alien to this country, on whose head rested the blame of all the unhappy difference and disunion which had arisen amongst us. They might be called persecutors, but he could not but think that there was no proof of this. He thought that any parties who possessed and claimed such power as the hon. Member for Dublin, who stated that he and the party with whom he acted had the power to displace any Ministry, and to seat upon the Treasury benches any party whom they might select, could hardly call themselves persecuted individuals; nor could their hands be deemed manacled, which had such a power of directing the course of the political chariot. It appeared to him that there were four distinct parties holding particular opinions relative to that question. There was, first, the Roman Catholic party, which no doubt felt a considerable degree of irritation, which might be easily accounted for under the circumstances of the case. But he believed when the present agitation subsided, and had passed away, the Roman Catholics would again show that noble and chivalrous devotion to the interests of the country which had always distinguished them. Then there was a second party which strangely mixed up corn and Catholics together; who thought that to repel the aggression of the Pope was to re-enact the corn laws, and who seemed to consider Protestant ascendancy and a dear loaf as synonymous terms. The third party was composed of those who assumed to have taken a high intellectual eminence, and who affected to regard with supercilious disdain all legislation on the subject. They thought it was a matter with which Parliament had nothing to do, and ought to remain inactive whilst Romanism carried on its schemes of aggression. If Luther had not been warmed by his Protestant zeal from the cold philosophy of the schools, he would never have manfully confronted the spiritual despotism of Rome, and laid the broad foundation of the glorious principles of the Reformation. These glorious principles he felt now were at stake; and this Bill was intended to preserve them against an insidious attack. The fourth party was not confided to either side of the House; it combined free-traders and protectionists, whigs and tories, conservatives and radicals, all of whom were united in one common bond to support Her Majesty's Ministers and to promote this Bill, which they believed to be needful for the maintenance of those principles upon which the Queen claimed the allegiance of her subjects. With that large party he should give his vote; believing that, as loyal to the Queen, as loyal to the country, and, above all, as loyal to the Protestant faith, it was our duty to repel this act of Pius IX. He should support the present Bill, in default of a more effective measure.

MR. WYNDHAM GOOLD trusted the House would afford him its indulgence while he briefly addressed them for the first time on the important question under consideration. A question had been asked by the hon. and learned Gentleman the Solicitor General, as to why, supposing no offence or aggression intended, the Pope had not made any efforts to explain the affair, or had not come forward to apologise. The hon. and learned Gentleman, however, should recollect that it was a rule in equity that "he who sought equity should do equity." If we expected acts of courtesy from the Pope, we should treat him with courtesy in the first instance. Up to the year 1829, indeed, we had no means of communicating with Rome, or treating with the Holy See in the ordinary political relations between State and State. But since that period the existence of the Holy See was ignored as it were, and any business we had to transact with it was executed in an underhand and unworthy manner. Now, if we ignored the Pope's existence, we could not blame him much for treating us in a similar way. In fact, he could hardly be censured for adopting a sort of political *tu quoque* towards this country. We were too virtuous to recognise the Pope, who was to us not only the "Man of Sin," but, *sexu mutato*, the "Scarlet Lady" also; and while we were displaying this squeamish prudery towards Rome, we did not blush to recognise the worship of Juggernaut in India, and we had an ambassador at Constantinople; as if, in the words of Sidney Smith, "the Sultan were a better Christian than the Pope." It had been stated that the Pope would not have ventured to have taken this step in any other—even in any Roman Catholic—country on the Continent; and this argument had been put in the shape of an *à fortiori* argument. But that was beside the question, for if he attempted to organise a hierarchy where he had representatives, in the same way that he was now doing in this country where he has none, he believed it would be a breach of the national compact; and he contended that if we had had diplomatic relations with Rome, this could not have occurred. Under these circumstances it was not fair to charge the Pope with insulting this country. If he might paraphrase the letter of the noble Lord, he should say that he confessed his alarm was not equal to his hope. The present was not a political aggression; it was one to obtain a clear stage and no favour for the Church of which the Pope was the head. It was to put that Church on an equality with the Church of England. Why should the Church of England, therefore, which had been always antagonistic to the Church of Rome, complain? He believed the Church of England was not likely to suffer from that source. The Church of England and the sister establishment in Ireland had among their clergy many men of great piety, learning, and eloquence, and abounding, above all, in that most persuasive of all eloquence which had been quaintly termed "visible rhetoric"—the daily deeds of a good man's life; and she was better able to fight her own battle by her own inherent energies, than by the help of those who now sought to throw a shield around her. With respect to the introduction of theological topics into that controversy, he should be allowed to ask, who had thrown the first stone? He could trace the first theological element introduced into that discussion to the unfortunate letter of the noble Lord at the head of the Government to the Bishop of Durham. That letter had done much damage to public feeling, and had called forth a great deal of that excitement which had assumed a no very dignified shape either in this country or that House. The noble Lord might have thought that he was doing a very clever thing when he wrote his well-known Durham letter—that he was taking the bull by the horns; but subsequent experience must have taught him that it would have been more prudent and statesmanlike to have maturely considered both sides of the question. The noble Lord had not done so—he had not looked before he leapt, but rather had leapt before he looked; and the natural consequence was, the noble Lord ever since Parliament met had been in the humiliating situation of having to perform the difficult feat of leaping back again to his former position. Thinking the noble Lord's Bill the mere dry and shrivelled embodiment of the angry passions which his celebrated letter had excited—the mere residuum of that ferment and effervescence which he had stirred up—thinking that whilst in its dwarfed and diminished proportion, it was still dangerous to the principles of civil and religious liberty, and that it would be a humiliating record of a very painful and undignified excitement—for all these reasons he should cordially vote for the amendment of the noble Lord the Member for Arundel.

MR. W. J. FOX said, at that stage of so protracted a debate he had no intention of entering at large into the general question before the House; but he wished merely to give the reason why he could not support the second reading of this Bill, and to make a few remarks on one or two fallacies which, as he thought, had been very extensively put forward in that discussion. The principle on which he should vote against the Bill was this—it was not merely an abridgment of the toleration at present enjoyed by Roman Catholics, but, more than that, it was an infringement of the great principle of civil and religious liberty, towards which the legislation of this country had steadily tended for the last century and a half—a principle which could not be infringed in any sect or Church, not even in the most obnoxious, or in one that might have given the greatest provocation (and by no means would he deny that a great provocation had been offered in this instance), but which could not be infringed under any provocation, or with reference to any sect or Church, without also damaging the position, and invading in some measure, directly or indirectly, the rights of all other non-established churches, sects, or denominations, whether they were those of Roman Catholics or of Protestant nonconformists. This Bill was an interference with the internal organisation of a non-established Church; that was the strong ground of his objection to it. With an Established Church they had the right to interfere. The Established Church bartered something of its Christian liberty for power, emoluments, and influence; and thereby it invited the State to interpose in its regulations, and to make its arrangements accord with the wants of the State. With a non-established Church, the principle of religious liberty being admitted as a constitutional principle and the guide of their legislation, they had no such concern; and he believed, therefore, that this measure tended in principle to invade the rights both of Catholic nonconformists and of Protestant nonconformists. In fact, that it had done so, appeared very promptly. He referred to the case of the Scotch

Episcopal Dissenters; and the Government, in hot haste to shoot its arrow at Popery, immediately found that they had wounded Episcopacy in Scotland. And there was a confession of this by the clause which it was announced would be introduced when the Bill got into Committee, exempting that particular dissenting Church from its operation. That concession he thought altogether fatal to the character of this Bill. The case of the Scotch Episcopalian Church was not only a strong one in itself, but it had some remarkable points of coincidence with the case of the Roman Catholics. These Scotch bishops belonged to a Dissenting community; Dissenters they undoubtedly were in that country. They had an episcopal title, which was represented by the hon. and learned Solicitor General as partly a civil as well as a religious designation. They held a territorial description; and what was their plea of exemption from the operation of this Bill, or what had they to urge (and they had urged their pleas successfully) but what the Roman Catholics might urge also? They said they had these territorial designations from the necessity of describing the limits within which they respectively exercised their episcopal functions. Why, that was not peculiar to the Scotch bishops. It belonged to a bishop everywhere. A bishop was an overseer, an overseer of somebody and somewhere; and how could they tell what district he overlooked, but by a description that had reference to territory. Well, then, they alleged in their petition to that House, that, in taking the ancient title of their sees, they had no idea of assuming temporal rank. This, too, the Roman Catholic bishops urged; and, if temporal rank, or at least the ordinary compliments that went with such rank, were given to the Catholic bishops in Ireland, that was the work of the Government there, rather than the act of the Catholic bishops themselves. The Scotch bishops said, the use of such a sufficient description or designation was necessarily implied by a diocesan episcopate; and yet that this, in their case, would be prohibited and rendered illegal under a heavy penalty. They also urge that no authority could dispense with a diocesan episcopate, which they conscientiously and absolutely believed to be an Apostolic institution. The Roman Catholics pleaded Apostolic institution also; they derived their descent from the same source, and they had a full right to the benefit of this plea. By the arguments in the Scotch bishops' petition there were three points established—the moral necessity of territorial titles for the episcopal office—that such titles did not imply the assumption of temporal jurisdiction—nor that of a spiritual jurisdiction beyond their own communion; and when it was urged that the Roman Catholic bishops claimed by that a dominion over all persons within the districts described as their dioceses, and when that was resented as an aggression, he must ask whether, in repelling that, it was to be understood that the Church in whose behalf it was repelled claimed such a jurisdiction for itself? Because if it did, there were millions in this country who would alike protest against the episcopal authority over them, of either Roman Catholic or Protestant bishops. Now, the case of the Scotch bishops was one that bore on other classes of nonconforming religionists in this country besides the Roman Catholics. What would they do with the Methodists, with their superintendents of Lancashire, Staffordshire, and so on, who are as much at variance with the spirit of the law as if they called themselves bishops? Was the law to be evaded merely by translating "bishop" into another language, or by taking a synonimous term with a different derivation? If evasion could be so easy, what would the efficacy of the Bill be worth as against the Roman Catholics? If evasion was not to be allowed, what then would be the condition of the Wesleyans, who would be exposed to the brunt of this measure? Besides, this title of a "bishop" was no Church or sect monopoly. It was a common Christian inheritance. There might arise in this country—and some circumstances in the present state of the Established Church by no means put it beyond the limits of probability—there might arise a Free Episcopalian Church here, as there had arisen a Free Presbyterian Church in Scotland. In that case the assumption of an episcopal title, and by a necessary result, as the Scotch bishops told them, the assumption of some territorial description with that title, would arise here; and we should have a Church which, even before its origin, had the ban of the law against it. So that in the one case they attacked the most ancient Christian Church; in the other case they would provide penal legislation against that which might exist as a new Christian Church. And even, although the right was latent, yet it was a right of which they ought not to despoil any body of Christians of the possession. Why, all bodies of Christians felt they had a right to use it if they chose. It had been a matter of consultation among some dissenting bodies whether they should change the names of their preachers to bishops. We already granted the Moravians the use of the title, and the title of bishops, too, with a foreign origin—appointed at a city on the Continent—namely, at Herrnhüt. Methodism in America had a sect of Episcopalian Methodists; and in all churches, however small in their numbers, however poor in their circumstances, there was the right of calling their ministers bishops if they pleased, instead of pastors —a right which they inherited from a higher law than any which that House could make—a right with which it was not fitting that the laws made by that House should interfere. It had been argued and denied in that discussion, strenuously, on both sides, that an episcopate was a portion of the natural development of the Roman Catholic religion, and that the toleration of an episcopate was implied in the toleration of that religion, and was implied, indeed, in the recognition of Catholicism as a religion at all. Now, he believed that was the true view of the case. All the questions of a foreign power and a divided allegiance he held to belong to discussions of twenty-two years ago, and not now. That the Pope was either a temporal prince or a foreigner was an accident—was not essential to the Catholic religion. He would still be the Pope, even if he were to be deposed, or if he were a British subject. These were mere accidental circumstances of what was essentially of a spiritual character, and he thought they ought to be thrown out of the account altogether, just as much as they threw out of account the foreign origin of many of the men who had founded other churches and other sects who had earned a great name, and whose followers had adopted their names as their distinctive designation, and who had exercised an extensive influence over countries with which they had nothing to do, as in the case of the Methodists in America, who obeyed John Wesley, although he was a foreigner; and in that of various sects who obeyed Count Zinzendorf, Swedenborg, and others, although they were foreigners. Christianity over-rode nationality, and had over-ridden nationality from the first, and one of its earliest acts was the sending from Jerusalem one Jew to be Bishop of Rome, and another Jew to organise a Christian Church at Athens. And as to a divided allegiance, again, why, if hon. Gentlemen believed what they said, they ought to call upon the House at once to go back to the ancient laws, and to declare that it was not meet nor fit for a man with a divided allegiance to sit in that House, and that it was not meet nor fit for any man with a divided allegiance to serve in our fleets or our armies, to vote for a Member of Parliament, or do anything else appertaining to citizenship; he should be regarded and treated as an alien—for such he undoubtedly would be. They must either take in good faith the disclaimers offered in this matter, or, disbelieving them, they must go back to ancient times and ancient laws. The full development of its priesthood through all its gradations was more essential to the Roman Catholic Church, than it could possibly be to any other Church; and for this simple reason: Catholics took their dogmas, their facts, and the precepts of their religion, from their sacerdotal authorities. Protestants took, or professed to take, theirs from the New Testament. The priesthood was the Catholic's living Testament—his incorporate Bible; and to interpose between him and the development of that priesthood came to much the same thing as the interposition between the Protestant and his Bible. Such a priesthood and an episcopate had always been held to be necessary. They had been told in that debate many times, that in vicars-apostolic the Catholics had all the provision they could possibly need for their various religious duties. Why, they themselves must be the best judges of that; and he thought the fact, the historical fact was, that they had never been satisfied with the arrangement of vicars-apostolic—that there had always been, from the very first, a craving after an episcopate. It showed itself immediately on the death of the last of the Roman Catholic bishops, the Bishop of Lincoln, when applications were made to Rome in the sixteenth century two or three times, again in the seventeenth; and an increase in the number and an increase in the powers of the vicar-apostolic were from time to time obtained. And yet this did not satisfy them. There was still the longing; and the historian of the Roman Catholics of England, Scotland, and Ireland—that late amiable, intelligent, pious, and moderate man, Mr. Charles

Butler—described the feeling on this subject. He said—

> "Bishops are of divine origin. They are the principal dignitaries in the economy of the Church. All their functions are of the highest utility, and several are absolutely necessary for its preservation and welfare. The advantages which each flock derives from having its appropriate pastor, and which the general body of the Church derives from the general body of the episcopacy, are incalculable. As to vicars-apostolic, such an institution is dissonant from the general spirit of Church discipline; but what necessity requires, necessity excuses."

Such was the state of feeling in the beginning of the present century, and before any question whatever was mooted as to the Catholic episcopate for England recently instituted. But he would not rest the argument on Roman Catholic testimony. He would call in the evidence of a bishop of the Protestant Established Church, and from him derive assurance of the fact of an episcopate having been thought both necessary and desirable for the Roman Catholics in this country. Dr. Vowler Short, now the Bishop of St. Asaph, in his *Sketch of the History of the Church of England*, quoted Charles Butler's facts; but the sentiments and opinions founded on those facts he understood were Dr. Short's own. The right rev. Prelate wrote that the Bishop of Lincoln, the last Roman Catholic bishop in England who did not give his assent to the Protestant Reformation, died in 1584, and from that time up to 1598 "the English Catholic Church was under the jurisdiction of an arch priest." He then went on to describe the functions of that person. He said, "the Roman Catholics of England justly remonstrated against this as being virtually deprived of the benefits of an episcopate." After tracing the history further up to a recent period, Dr. Short said—

> "Ireland has Roman Catholic bishops of her own who are independent of Rome, as far as Român Catholics can be; and the members of that communion in England have much reason to complain that they have never been allowed the same benefits."

This was written some years ago with the original publication of the work, and it had been republished in a fifth edition of as late a date as 1847, and subsequent to the bishop's appointment to the see which he now holds. Well, but there was still further evidence that the necessity of an episcopate was felt by every Church which had an episcopal origin, which had enjoyed the institution, and which looked upon it as of scriptural origin. The Episcopalians of the United States of America existed for some time without it; but soon after the declaration of independence they felt this craving for bishops, and an impatience to be satisfied until they enjoyed the full arrangements of their religion. Let him not be misunderstood in making this reference. He was not about to represent what had been done then, as bearing any close analogy with what had been done here recently by the Pope, in the creation of the hierarchy. That was not his object. He did not wish to place the two cases on the same footing. What he adduced the fact for was, merely to show the craving there was, the moral necessity, for an episcopate for religionists who were trained to think it of importance. The American Episcopalians applied for the consecration of bishops to this country, and their application was entertained. Mr. John Adams, who was then resident here, was made their medium of communication. There was a good deal of excitement among other classes of religionists, and Mr. Adams himself spoke of the undertaking "as bold, daring, and hazardous, to him and his." However, the application was made, and was entertained; and in 1787, at Lambeth, the Archbishops of Canterbury and York ordained a Bishop of New York and a Bishop of Pennsylvania; and so earnest were they, and anxious to confer what the Bishop of Oxford, the historian of the event, called this great and necessary boon, that they made extraordinary sacrifices for the purpose. They compounded for many things that would not even now be conceded to the tender consciences of their own communion in this country. They sacrificed many portions of the liturgy, which were omitted in the American Prayer-book—they sacrificed one of the three creeds, and nineteen out of the Thirty-nine Articles; and they procured legislative authority to dispense with the coronation oath, which was never before dissociated from the consecration of a bishop. This showed that there was a strong sense in their minds of the necessity of an episcopate for churches of that description. They thus laid the foundation of the American episcopate. They had heard a great deal of late about this country being mapped out ecclesiastically by a foreign authority. Why, the Bishop of Oxford, in his *History of the Church in America*, had prefixed to his work a map in which the whole of that great confederation of the United States, from sea to sea, was marked out and partitioned by territorial lines into Anglican dioceses. There was therefore a moral necessity for a hierarchy; and, therefore, instead of committing an aggression, the Pope had complied with a want of his followers in this country — he had done that which all churches, having the same institutions, would think rather a praiseworthy action than one of aggression. A sophism had much prevailed in that debate, and it was commenced by the noble Lord at the head of the Government in the able speech in which he introduced this measure. He took all the enormities perpetrated by the priesthood from the dark ages down to the present time, and he ascribed them all to the Roman Catholic priesthood in particular. The noble Lord traced all the offences of the priesthood and priestcraft down to the time of the Reformation, and then when they became divided he descanted on those only that belonged to one side. But if he had taken the other side, he would have found sanguinary persecutions and ferocious cruelties without number. He (Mr. Fox) would not go back to those times; but he said there was a glaring fallacy in their ascribing to one priesthood in particular that which belonged to priesthoods in general. All priesthoods, of all religions, in all countries, and all ages, had been ambitious, grasping, and requiring to be kept in check—showing their bad qualities when they were dominant, and sometimes their evil doings very much balancing the account against them by their devotion to the beneficent works of kindness and charity through great privations when they were in poverty—as he believed was remarkable in the case of the Roman Catholic priesthood of the sister country. Well, then, let justice be rendered here. The hon. Baronet the Member for Marylebone had given them a touching and feeling recital of the difficulty experienced by a Protestant parent in Rome to be permitted to place an inscription on his infant daughter's tomb. But the hon. and gallant Member for Middlesex had only that evening told them that a town in this country had just been in a ferment at an unbending refusal that was obnoxious to all the common feelings of our nature. He alluded to what had taken place at Chichester, where there had recently occurred the refusal of interment in the church burying ground to the remains of an aged and highly-respected minister of a Dissenting congregation in that town, after the close of his blameless and most exemplary life; and the only reason for keeping his remains out of the parish burying ground was, that he was a Separatist, and a pastor of Separatists. Why, instances of this kind on the one side and on the other, fairly balanced each other; but he had no desire to go into these things then. The noble Lord was angry with the Roman Catholic clergy for their hostility to that mixed education which all who valued the prevalence of feelings of mutual kindness and forbearance in after life, would desire to see carried out. But where had the Government found the best co-operation for that admirable system of national education which was established in Ireland? Three-fourths of the clergy of the Protestant Church in Ireland were opposed to that system, whilst a large majority of Roman Catholic clergymen had co-operated in it, and consequently Roman Catholic children were receiving the blessings of education. He believed that in too many instances Roman Catholic priests were opposed to education, and wished to grasp undue control over it; but in doing this they were only doing what it was the common tendency of the priesthood to do, nor did he believe there was one atom more of this in those schools which were most entirely under Roman Catholic control than in other schools, whether of the Established Church or of Dissenters, which had a religious origin. [The hon. Member then referred to a passage in the report of Mr. Marshall, inspector of Catholic schools for 1849, stating that in the northern and midland districts it was common for Catholic schools to be attended by the children of Protestant parents; that in no case did they receive religious instruction without the express sanction or consent of their parents, and were at liberty to withdraw themselves entirely from the school when it was given, or, if convenient, the Catholic children were removed to another apartment.] He wished this spirit were more general; if it were, how many of the obstacles to a more liberal system of education would vanish away! He would not say that there had not been a deep and extensive movement in the public mind on this subject, at the same time he could not keep down his suspicions that it had been considerably exaggerated. Although England had a population thrice as large as Ireland, it was remarkable that the petitions in favour of this Bill were only as one to three, or nearly so, compared to those against it. Generally, where the number of petitions was large, and that of the signatures small, you must conclude that a manufactory had been at work. Now, the petitions against Papal aggression had an average of less than 170 signatures, while the petitions against the Bill had an average of 500 signatures. There was, therefore, good reason for supposing that in the latter case they had a real expression of popular feeling, while in the former one some extraneous machinery must have in active operation. But however that might be, he did not think that the petitions against Papal aggression had much to do with the Bill before the House. That was not what any class of the people meant or wished for; and, in that House, how many supporters of the measure had spoken during that long debate? Scarcely any, and those who meant to vote for it, would not do so because they liked it, for it pleased nobody. In fact, the measure found favour with none; it went too far for some, and not far enough for others. The measure required by the public mind in those petitions was this—we want something to stop the progress of Catholicism; we believe Popery to be dangerous to our civil and religious liberties; more than that, we believe it to be dangerous, and even fatal, to the salvation of men's souls. They wanted the progress of Popery to be arrested—a thing which certainly this Bill had not the most remote chance of effecting. He respected the feeling, though he did not coincide in it. How far they thought that anything could be done towards checking conversions to Popery by Act of Parliament, he should scarcely inquire; but if anything could be done in that way by Act Parliament, it must be by a very different kind of legislation from that before them. He saw but one way in which legislation could accomplish this, and that was by influence on the Church. The firmest and greatest bulwark against the spread of Popery would be to Protestantise more completely the Established Church. He did not mean by this that they should give to either of the two sections into which that Church was divided the victory over the other, or expel either of them from the bosom of the Church. It had been said, long ago, in reference to the Establishment, by a celebrated Member of that House, that she had a Popish liturgy, a Calvinistic creed, and an Arminian clergy. The Arminian clergy had passed away, or had ranged themselves with the other two divisions, which had taken their stand, the one upon the Liturgy, the other upon the Articles. He thought something might be done to liberate both from the official necessity of subscribing that with which their sentiments were not in harmony—recognise that great principle which is the basis of Protestanism—the right of private judgment. Do not continue a subscription to Articles of such a nature as those which excluded from the ministry of the Church so pure and excellent a man as Robert Southey in later times, and so great a man as John Milton in earlier times; which kept out many men who in dissenting connexions rose to high and deserved eminence; and as to which one of the bishops—and an ornament to the episcopal bench he was—the late Bishop of Norwich, testified that he never knew one single clergyman who entirely believed that to which he had formally and solemnly subscribed. You could have no uniformity of spirit more than of opinion while this existed; and this accounted for the leanings of the Established Church towards Catholicism, except where a collision arose such as that which had lately been witnessed. It was an unnatural and an unwholesome state, and there could exist no uniformity of spirit and action whilst it lasted. Then, combining these matters with the evident leanings of the National Church towards Romanism, remembering that that Church acknowledged Papal orders, and branded Protestant orders as pretended holy orders, thus taking its place by the side of Popery instead of Protestantism, was it wonderful that whilst no other church or sect, whether Presbyterian, Independent, Baptist, or Methodist, had generated Popery, the Established Church had been prolific in conversions from its ranks. But it was not for him to go into questions of that kind then; and his only object in adverting to it was to show that if the wishes of the people were really to be gratified, and if anything calculated to check the progress of Popery were to be introduced, it should be by making the Church of England more Protestant, instead of allowing her to imitate the worst features of Catholicism in the worst of times. Whilst believing the Bill before tho House would be ineffective for good, he likewise believed it was calculated to be productive of much mischief. The noble Lord, he feared, had not exercised a wise discretion in introducing the Bill. By that Bill he (Mr. Fox) saw the Government as well as the party of the noble Lord shattered to atoms: the public business delayed;

the time of the Legislature occupied, as well as the tone of its deliberations materially lowered; Ireland set in a blaze; the passions of the people of this country excited, raging and working havoc amongst all the social relations of life; and all for what?—only to placate the wounded pride of a few titled ecclesiastics.

Mr. WALPOLE:* Sir, in some respects I am extremely anxious, in other respects I am very unwilling, to take any part in the present discussion. I am anxious to do so because I feel the deepest interest in the subject before us; but I am unwilling to do so at the same time, because I tremble lest a word of mine should tend to wound the religious convictions of any portion of my fellow-countrymen. I am the more desirous to say this at starting, as I am about to notice, and entirely to dissent from, an observation which has fallen from the hon. Gentleman who has just resumed his seat (Mr. Fox), in one of the most able and temperate speeches which have yet been delivered. The hon. Gentleman has laid it down as a general aphorism that Christianity overrides nationality. I should have said that the reverse was the case. I should have said that Christianity had invariably recognised nationality; and hence I take my stand upon this Bill, considering that the nationality of this kingdom has not been recognised, as it ought to have been, by the recent conduct of the Court of Rome.

To discuss that matter fairly and candidly, two questions are principally at issue. First, whether the conduct of the Court of Rome, in endeavouring to establish within this realm a territorial hierarchy of its own creation, is or is not an act of aggression which we ought to take notice of; and, assuming that question to be answered in the affirmative, another and a more important question immediately arises, namely, in what way this aggression should be met, and whether the measures propounded by the Government are suitable to the occasion, and adequate for their purpose.

Now, with regard to the first of these questions, and bearing in mind that this is a matter which relates to the sovereignty of the Crown of England, and the independence of the kingdom, rather than to the principles of religious freedom—I should have thought, unless I had heard the extraordinary speech of my right hon. Friend (Sir J. Graham), that there could not be a doubt as to the proper answer which ought to be given to it. My right hon. Friend has admitted most frankly that what has been done by the Court of Rome is both arrogant and offensive; and, to my mind, that is admitting the whole of the case. For tamely to submit to any aggression from foreign interference which is arrogant and offensive, never has been, as yet, and never will be, I trust, either the character or the degradation of the British people.

Let us consider this matter a little more in detail. The Government have rested the Bill upon two grounds; namely, on the grounds that an insult has been offered, and an injury has been done, to this country. The noble Lord the Member for Arundel (the Earl of Arundel and Surrey) disclaims the insult, and denies the injury. Now, if this were a question which could be determined by the mere opinion of any individual, there is no one whose opinion is entitled to greater weight than that of the noble Lord. But this is a question which cannot be determined by the opinion of any man, however high-minded, or however honourable. It must be determined partly by the character of the documents themselves, partly by the sense in which they had been received by the recognised organs of the Roman Catholic Church, and partly by the consequences to which, if submitted to, they must inevitably lead us. Take these tests, and all is clear. No one, I think, can have read the Papal brief, or Dr. Wiseman's pastoral, without feeling what Sir Edward Sugden so admirably expressed as his own sensation when first these documents were circulated among us. "I felt," said that great and eminent man, who was not likely to be led away by a passing emotion—"I felt as if a blow had been personally struck at me." Now I believe that sentiment is a true exponent of the feelings of the nation. The whole body of the people had taken alarm, and they too felt as if a blow had been personally struck at them. And why did they feel it? Because they heard for the first time that the language of sovereignty was used towards them, not by the Queen, whom they delighted to obey, but from a foreign Prelate, whose usurpations and encroachments both they and their ancestors had always defied; and they knew from history that if that language could be turned into action, and realised in operation, their liberties and their religion were equally in danger. Who can deny that these were circumstances enough to provoke them, and more than enough to put them on their defence? Not only were they told that the Roman Pontiff had parcelled out this kingdom into new dioceses of his own invention, but they were also told in the same breath, in manifest derogation of the Queen's prerogatives, and of the power of Parliament, that any attempt, by any person, made in any manner, and under any authority, knowingly or ignorantly, to set aside those enactments, should be null and void. That was the language used in the brief. It was acted upon also by the adherents of Rome, and one of those adherents had presumed to announce from a foreign city, in that memorable pastoral of which we had heard so much, that he, forsooth, a subject of the Queen, was appointed to "govern, and should continue to govern," within the Queen's dominions, but without the Queen's sanction, such districts and counties as the Pope, in the plenitude of his apostolical power, should think fit to assign to him. Now if these documents did really mean what they purported to mean, we could not submit to such language as this. Had they been carried effectually into execution, an *imperium in imperio* would immediately have been created; and the authority of the Crown would have been overshadowed by the tiara. Therefore it is time, it is wise, it is right to vindicate at once the authority of the Queen; for, to adopt the expressions which Lord Bacon applied to a similar insult on a similar occasion, "The Pope has become, by his late challenges and pretences, a competitor and co-rival with the Queen for the hearts and obedience of the Queen's subjects."

Several justifications, however, have been offered for these documents by the Roman Catholics and their advocates. First, it is said that the meaning to be put on them has been somewhat misunderstood; secondly, that the power which has thus been set up is spiritual only; and, thirdly, that the change from vicars-apostolic to bishops in ordinary is a mere change in words and in names, and that it will not have any real effect on the laws, affairs, and institutions of the country.

With respect to the first justification, I am free to admit that if the meaning to be put on these documents has been really misunderstood, that is a point which ought not to be dwelt upon any longer. But have they been misunderstood? If so, it is certainly unfortunate that expressions so ambiguous were adopted by a Power which is peculiarly attentive to the words it makes use of; and it is still more unfortunate that, since those documents and expressions are found fault with, no attempt has ever been made to explain or correct them. Instead of that, they have been reasserted and reaffirmed in a manner more offensive and more acrimonious than the language contained in the documents themselves. Do you require a proof of this? You need only refer to the *Univers* in France, and the *Tablet* in England. The *Univers* stated, that as St. Gregory transferred the primacy from London to Canterbury, so Pius IX. had transferred the primacy from Canterbury to Westmister; that, in pursuance of the power bequeathed to him by his predecessors, he had substituted the See of Southwark for that of London; that he had abolished all the ancient Sees of England; and that, from the promulgation of the brief, there was neither See of Canterbury, nor See of York, nor See of London, nor any other sees, anterior to the Reformation. The *Tablet* used even stronger language. It said that the kingdom was divided by the Pope into new districts—that pastors were appointed to preside over them — and that all baptised persons, without exception, were commanded to obey those pastors, under pain of damnation, so that the ancient sees of England, those ghosts of realities, had passed away. Now, considering that the Queen was the head of the Church to which those sees belonged, and considering that She was resident within the new pretended diocese of Westminster, I am not surprised that the noble Lord at the head of the Government has plainly declared, in his celebrated letter, that the documents which had come from Rome constituted in themselves such an assumption of power, such a claim to sole and undivided sway, as was inconsistent with the supremacy of the Crown, with the rights and privileges of our bishops and clergy, and with the spiritual independence of the nation, even as asserted in Roman Catholic times.

It is said, in the second place, that the power asserted is merely spiritual; and my right hon. Friend the Member for Ripon (Sir J. Graham) had taken those who differed from him to task, for not distinguishing between things spiritual and things temporal. But whose fault is that? The Secretary for Foreign Affairs told us most correctly the other night, that this power of the Pope had always a double action and a double influence. It never has been, and it never can be, purely spiritual. If it were so, it ought to be left entirely to itself. However prejudicial it may be to its votaries, it must then be permitted, as far as we are concerned, to thread its subtle and intricate course through the hidden pathways of the mind of man. In that case we have nothing to do with it—we have nothing to do with it until it touches us in temporal matters. But should it touch us in temporal matters, the mere assertion of its spiritual character is no excuse for the language which has been used, and the conduct which has been pursued. The fact is, that the power of the Pope may be spiritual in its means, but it never is spiritual entirely in its objects. It is always acting through temporal agents; it is constantly applying itself to temporal purposes; it necessarily entails many temporal consequences. In this respect it differs from what my hon. Friend the Member for Plymouth (Mr. Roundell Palmer), in his most argumentative and powerful speech, has inappropriately cited as parallel cases—the Wesleyan Conference, the Episcopal Church in Scotland, and the voluntary associations of other religious bodies. They do not claim any temporal power—much less a power that comes from abroad, and which insists on its right of being supreme, and even universal. The power of the Pope, according to its best and ablest defenders, is directly spiritual, but indirectly temporal; that is to say, it has always exercised, and it always must exercise, in an indirect manner, a certain degree of temporal influence. But whether it be direct, or whether it be indirect, still it is there. And if it be there, it is perfectly immaterial on what account it is used and employed. For since all matters may easily be turned to a spiritual account; and since the Pope is the sole judge on what account he chooses to act; and since all history and experience shows that he can spiritualize everything when it suits his purpose—it matters but little whether the power be direct or only indirect; and in the forcible language of one of our divines, it signifies as nothing in his conflict with princes, whether he strikes at their authority by a downright blow, or only slantingly. Hence it is that every Government has always taken care to guard, to check, and to control that Power—even though it is willing to do homage to it in spiritual matters. And hence it is that the change which has been made from vicars-apostolic to bishops in ordinary cannot be regarded as a mere change in words and in names; but it must be regarded as the change of a system which may be prejudicial to the best interests of this country.

This leads us to the third justification for what has been done. Now it ought always to be borne in mind that the system of vicars-apostolic by means of which the Roman Catholic Church had been governed in this country, was amply sufficient for every purpose that was purely religious; and it ought also to be borne in mind that it was capable of expansion to any extent according to the requirements of the Roman Catholic body. The noble Lord the Member for Arundel had pointed out most clearly to the House, how this expansion has hitherto taken place. He told us truly that there had been but one vicar-apostolic in the reign of James I., that there were four in the reign of James II., and that the number had been doubled by Gregory XVI., in 1840. It was not, therefore, for any spiritual or religious necessity that this change has been made. No; the reason was a different one. Dr. Wiseman has told us what that reason was. He has told us that without that hierarchy he could not give to the Roman Catholic priesthood an organic bond of union; that their Metropolitan was unable to convene them in synods, and that they could not apply the canon law to England. Be it so. Then the reasons alleged for the introduction of the hierarchy are the very reasons why it should not be allowed. It is precisely because it would give to the Roman Catholics an organic bond of union, that the new system, as compared with the old, is fraught with great political danger. It is precisely because it would enable these prelates to meet in synod, which even the National Church is restrained from doing—so great is our jealousy of ecclesiastical influence—that this new hierarchy is not consistent with the genius and character of the institutions of this country; and it is also because the measure has threatened to introduce the canon law of Rome among us, that the people of England have taken affright, and will not tolerate it for a single moment. The nature of that law has been ably, clearly, and forcibly commented on by my hon. and learned Friend the Member for Oxford. I am not, therefore, going to dilate on it now. It is sufficient to remark, that the absolute and universal dominion of the Pope is the very foundation on which it is built—that this is the chief engine by which he has managed to set up his authority above the authority of kings and of parliaments; that it is inconsistent with religious toleration and civil independence; and that, as Mr. Hallam has well observed, the key-note which regulates every passage of it is the supremacy of the ecclesiastical to the temporal power. It is idle, therefore, to say that this is a mere change of words and names. It is an actual change in principles and things. Under vicars-apostolic the Roman Catholic inhabitants of this country would be governed by the same laws as we are governed by ourselves, and the Roman Catholic religion would be a system of belief—erroneous, indeed, in our estimation, but not inconsistent with the duties which are owing by every good subject to the State in which he lives. But under bishops in ordinary the whole would be altered. The Roman Catholics would be governed by a law which is inapplicable to the rest of the community, and that law would impose obligations upon them inconsistent with allegiance to any society that did not pay implicit obedience to the See of Rome. [*Cries of* "Oh!" *and* "Hear!"] Well, such is my conviction. If you can refute me, I am perfectly willing to acknowledge the refutation. But if not, the question before the House is not a mere question of vicars-apostolic, or bishops in ordinary. It is a much greater question—it is simply this, whether the Pope's laws or the Queen's laws shall be paramount in England.

I have thus gone through the several justifications which have been urged most strongly for the recent aggression. Allow me now to point out what I think the people of this country have strong reason to complain of. In my opinion, the people of this country have strong reason to complain on three grounds: first, because the Papal brief, if ever it should be acted on, is contrary to the law of nations; secondly, because it is opposed *in toto* to the laws of England; and, thirdly, because it is entirely inconsistent with, and absolutely repugnant to, the genius and spirit of our Protestant institutions.

The law of nations requires, and it is obviously essential to the peace of society that it should require, that no encroachments should ever be made by one Power on another; that no one State should exercise or claim the right of jurisdiction within the territories of another State; that it should not presume to dictate laws to it; and that it should not interfere in any way whatever in its internal affairs. These are rules as invariable as they are universal. They form a part of the great European unwritten code, by means of which the peace of the world is maintained and preserved. Every nation, therefore, whether Protestant or Roman Catholic, whether enlightened or bigoted, whether religious or superstitious, has invariably protested against any interference by the Roman Pontiff with its own laws and its own dominions. The royal placet or the *exequatur* of the Crown, as shown by Dr. Twiss and other writers, are antecedent conditions, which must be complied with before the Pope could nominate bishops or circulate his mandates in any country whatever. In Russia the bishops of the Roman Catholic Church are named by the Emperor. In Prussia they are usually chosen by the King. In neither country can any communication be held with Rome, except through the medium of the civil Power. Similar regulations were until lately insisted on and enforced in all those countries which loved Rome more, and knew her better. And shall we alone, of all the nations in Europe, allow a Power to be created here which no other nation, until quite recently, has ever conceded? Are we as Protestants to submit to an usurpation which, as Roman Catholics, our noble ancestors indignantly denied? If such is to be the effect of constitutional government, why then I must say the countries most trampled on by the Roman Pontiff are better off than ourselves; and I also conclude that if this infringement of the law of nations is allowed to proceed—to gain a head—to reach its height, the time may come when we shall find to our cost, and probably to our shame, that the change now made, or attempted to be made, will convert a section or portion of the community from loyal, faithful, and obedient subjects, into a compact and organised confederation against the Church, the Crown, and the Constitution.

I now proceed to the second ground of complaint. By the common law of England no person can lawfully hold, without the Queen's consent, any kind of intercourse with a foreign Power, or accept therefrom any office, dignity, honour, or reward, or do or receive anything, which might create an undue influence in favour of such foreign Power. The reason for this is plain and obvious; for every State is entitled to require the allegiance of its own subjects; and no subject has a right to do anything which can in any way affect or qualify that allegiance, so as to impair, diminish, or alter it. It is for this reason that, according to our laws, there is a certain offence called misprision, or contempt, which consists in doing anything that brings into contempt the Queen's Government or the Queen's title; in interfering, or assuming to interfere, with Her just prerogatives; or in diminishing, or trying to diminish, either Her or Her authority in the eyes of Her subjects. Now no one can look at these documents which have come from Rome without seeing that any parties who acted under them would render themselves amenable to this grave offence; for these documents, if ever acted upon, show that they recognise no principle—that they ask no sanction—that they acknowledge no authority but that which flows from the irresistible—no, I will not call it irresistible, but from the self-assumed and uncontrollable power lodged in the hands of a foreign Prince, and claiming for itself universal supremacy. The Statutes of Richard II. and of Elizabeth, which prohibit the publication of bulls from Rome, were passed on the same principles. They were not intended as a punishment of error, but their object was to repress what was then, and what might be again, a great evil of State; and since they absolved the subject from his allegiance, they were even made high treason; the law, says Lord Bacon, accounting them as preparatives—the first wheels and secret motions to sedition and revolt from the Queen's obedience. I admit that the law, with reference to this matter, is in a most unsatisfactory state. We have repealed the penalties and punishments of the statute of Elizabeth, but we have left the statute as it was before with reference to the offence. What the Legislature should now do undoubtedly is this—it should specify what bulls should be allowed to come into the country for the purpose of enabling the Roman Catholics themselves to regulate the discipline and to manage the internal affairs of their own Church; but all others which might be used for improper and illegal purposes should strictly be prohibited.

Again let me remind you that the recent aggression of the Pope is not merely an infringement of the law of nations; it is not only opposed to the law of England, but it is utterly repugnant to the genius and spirit of our own institutions. Those institutions are founded upon the notion that no foreign Prince ever had or ever ought to have any jurisdiction or authority within this realm. The national independence is that upon which the people of this country have always stood firm; and although the Church and the Court of Rome has from time to time endeavoured to shake that independence, they have always been met, and with few exceptions they have always been rebuffed by the inherent vigour of our free institutions, and the unyielding wisdom of successive Parliaments. My right hon. Friend the Member for Ripon asked us last night whether we were prepared to resist these Papal pretensions. And he said, in answering his own question, "our ancestors were wiser than to attempt it, and so should we be." I own I was astonished when I heard that statement from my right hon. Friend; for, knowing as I do the intimate acquaintance of my right hon. Friend with the history of this country, I thought he might have recalled the well-known fact that from the earliest periods of our history encroachments have been attempted from time to time by the Bishop of Rome and by Roman Catholics, acting under his authority: but those encroachments have always been checked, and, as I said before, with few exceptions they have always been defeated. I know that the Pope has said in his brief that England, after this change of system, would be restored again to her orbit in the ecclesiastical firmament; but if we refer to the same history, we shall find that the only orbit in which England has ever moved is around the Crown as its only centre; yes—to adopt the language of Dr. Wiseman—"the only centre of jurisdiction, life, and vigour." The Church of England has always been free—even before the time that St. Augustine planted his foot on our island. And when he came and demanded submission to the See of Rome, he was at once told that it could not be allowed; that it was a strange thing never heard of before; and the House will remember the memorable answer which was made to him by Dinothus, in the name of the Britons, that the only obedience they owed to the Pope was the obedience of charity. For 400 years from that time, as the Solicitor General has pointed out most clearly, this country continued to be free and independent, and it was not until the Conqueror had derived considerable advantages from the Roman Pontiff when he blessed his host and consecrated his banners, that any usurpation was made upon us. I admit that Rome was to a certain extent successful during the first

Norman Kings. There were three points gained, and those three might be gained again, unless we took care, although they were defeated as long ago as in the time of Henry II. The first was the exemption of all ecclesiastics from secular jurisdiction: the second was the right of carrying appeals to the Court of Rome; and the third was the virtual appointment of bishops by homage being done to, and investiture conferred by, the Roman Pontiff. But the Constitutions of Clarendon, which reduced into writing our Saxon customs, declared by one of its articles, that when ecclesiastics were charged with any crime they should always be tried by the secular courts; by another, that appeals should go from the bishop to the archbishop, and from the archbishop to the King, but no further, without the King's consent; and, by a third, that bishops themselves should be elected by chapters under the King's writ, with the King's consent, and that, when elected, homage and fealty should be rendered by them to him alone. I admit that these advantages were again surrendered under King John. I admit that King John, in a dastardly hour, gave up his country to the Roman Pontiff, and consented to pay to him an annual tribute of 1,000 marks. But, when that tribute was demanded of Edward III. by Urban V., it was unanimously resolved by all the Estates of the realm, that this donation was null and void, being without the concurrence of Parliament, and contrary to his coronation oath; and they resolved and engaged that if the Pope persisted in his demand, he should be resisted and withstood to the utmost of their power. Subsequently to that, the regular clergy procured the appointment of various aliens to English benefices; the profits of those benefices were transferred to foreign parts; nearly half the land in England got into their hands, and sentences, and processes, and writs were put in execution by the agents of the See of Rome in this country. But then came the memorable Statutes of Provisors and Præmunire, which established, if anything was wanted to establish, that the Church of England and the Crown of England were perfectly free. The statute against Provisors emphatically declared that the Church of this country was the Church of England, as contradistinguished from the Church of Rome, and that it was founded in prelacy by the King and his progenitors. And the Statute of Præmunire had that memorable preamble, in which it was stated, that the Crown of England had been so free at all times that it had not been under earthly subjection, but was immediately subject unto God, and none other. From that time, the time of Richard II., the tide of reformation set in so strongly—not ostensibly, but in a swelling under current—that it rose to the surface in the reign of the Tudors, and carried all before it with irresistible force; and when Queen Mary restored the supremacy of the Pope for a limited period, it should always be remembered that she never repealed—for Parliament would not allow her to repeal—either the Statute of Provisors or the Statute of Præmunire, but those statutes were expressly kept in full force—a remarkable fact, as Coke has observed, which showed how careful the State of England had ever been to preserve the just prerogatives of the Crown, and the ancient laws of the realm. A century and a half then passed away, when the fearful contest was again renewed through the bigotry and folly of James II.; and those times, in some respects, were not altogether dissimilar from the present. Then, as now, the plea of conscience was ostentatiously put forth in the Declaration of Indulgence; but when it was seen to be a mere pretext, the people of England flung it to the winds. Then, as now, the Nonconformists were upbraided for taking part with the bishops and clergy of the Church of England. But what was their answer? The Nonconformists said, as I think they will say in these days also, "We stand by those who stand by the Protestant religion." Then, as now, the great advocates of civil and religious liberty, such as Locke and Lord Somers, drew a broad distinction between the Church of Rome and the Court of Rome; the members of the Church of Rome being good Catholics, who had merely religious purposes in view; but the adherents of the Court of Rome being those who were sent as emissaries to make war against every community which did not hold the same tenets as themselves; and so they had no just claims to indulgence, because they were listed, as it were, for soldiers against the Government under which they lived, and, *ipso facto*, they delivered themselves up to the service and protection of a foreign Power. A long period succeeded this, and those undoubtedly were gloomy days for the Roman Catholics. It was not until 1791 that they obtained toleration, and it was not until 1829 that they gained what was called emancipation. But, though excluded from office and from Parliament, it ought always to be remembered that they were excluded upon political and not on religious grounds.

I have referred to the Act of 1829, and I refer to it now the more particularly, because I have said before in this House, and I say still, it is my firm, clear, and deliberate conviction, that if we wish to have religious peace in this country we can only obtain it by abiding by the settlement made in 1829, as a binding compact, which gave freedom to the Roman Catholic, and security to ourselves. But if that compact is not to be held binding; if it is only to be made a convenient stepping-stone for still further advances; if all our securities are to be taken away from us one by one; if the rights and privileges conferred upon the Roman Catholics are merely to be made use of as masked approaches to future attacks; if Rome is always to be an aggressive Power; if nothing can satisfy her but unbounded dominion and unlimited supremacy—then I say, that the people of England, true to their faith, their freedom, and their independence, must renew again the protest of their forefathers, and teach the adherents of the Court of Rome—for I purposely distinguish between the Court and the Church of Rome—and teach the adherents of the Court of Rome, that if they looked for unconditional submission to Romish authority they have strangely misunderstood and utterly mistaken the faith and temper of the British people.

I think I have now demonstrated that an aggression has been committed against this country; that it is not justified by the excuses which have been urged and alleged in its favour; that it is not only an infringement of the law of nations, and opposed to the law of England, but repugnant to the genius and spirit of our Constitution. If that be so, then comes the question which my right hon. Friend the Member for Ripon asked last night—how are we to deal with it? Is it by legislation, or by applying to the Attorney General? The effect, I think, of my right hon. Friend's very able argument, if he really wishes it to be fully carried out, would be to compel the Attorney General to prosecute; that is to say, to subject the Roman Catholics to the penalties of a præmunire. Now, such a course would have been ten times more irritating than the present Bill; and, upon the whole, I agree that the Government were right in not prosecuting, for I fear the law is in so uncertain a state that the success of a prosecution could not have been predicated; and a Crown prosecution ought never to be attempted unless it is likely to be followed by success. But I have another objection to a Crown prosecution, even if successful. That objection is, that a Crown prosecution would not have touched the gravamen of the offence. The gravamen of the offence, in my opinion, is the Papal brief. But that is an offence which affects so entirely the whole nation that, in my humble judgment, the only way in which we can deal with it is by a national protest and a national movement; and I know no way in which that protest and movement could be manifested, except through you, as the representatives of the nation here assembled in Parliament. But, then, my right hon. Friend has said, if we are to have legislation, what is it to be? I admit that this is a most important question. But, before we answer it, let us see what is thought of the present Bill by its ablest opponents. The right hon. Gentleman the Member for North Wilts (Mr. S. Herbert) has not even yet made up his mind whether it is a nullity or a persecution; and my right hon. Friend the Member for Ripon seems still to be doubtful whether he should ridicule it as impotent, or condemn it as oppressive. Now, these are inconsistencies in great and able statesmen which require explanation; and I know not how such an explanation can be given, except when the measure be discussed in Committee. In that event, I was going to say, I would myself undertake—but I am not so presumptuous; I believe, however, that the law officers of the Crown will readily undertake—to prove that the first clause of the Bill, which, in fact, is now the only clause intended to be left, is not in any respect a violation or infringement of religious freedom; but it is founded on the great principle on which I understand from the noble Lord that he has advocated it throughout—the principle of maintaining unimpaired and entire the supremacy of the Crown, coupled with the duty of self-defence and self-preservation.

In one point I agree with everybody who has spoken in this debate—that is to say, that in any legislation we are prepared to adopt, we are bound to maintain a just, wise, and enlightened toleration; and if in the course of the discussion in Committee, it should be found that this toleration has been infringed, I, for one, should say that the measure ought to be given up. But I must beg to observe that this is not the only principle which we have to attend to; although I fear it is the only principle to which, from the beginning to the end of my right hon. Friend's speech, he has ever adverted. There are other principles equally important: the sovereignty of the Crown; the independence of the realm; the freedom of our Church, the purity of our faith, the first great right of the law of nature—the right, when attacked, of self-defence and self-preservation; and if that will not satisfy hon. Gentlemen, I must also add the duty, of all others, which every wise statesman should be the last to give up—the duty of transmitting to those who come after us all the rights and all the privileges which we have derived from those who went before us. These are principles which must be attended to; and, unless attended to, we shall not be legislating either to the people's satisfaction, to our own credit, or to the country's security. But, in addition to this, allow me to ask, what is the toleration which ought to be the guide of our present legislation? This has been defined in different ways by different hon. Gentlemen. One thing, however, I can safely say of it—and that is, that the toleration which is advocated by the Roman Catholics, is not the toleration which ought to guide us. What is that toleration? Mr. Bowyer, a gentleman whom I am proud to call my friend, than whom, I am sure, there is not in the kingdom an abler or better constitutional lawyer, has published a pamphlet, expressly "by authority," in which he attempts to justify the conduct of Rome on the plea of toleration; and he defines toleration as "something more than the mere equality of civil rights." What, then, is that something more? It can mean but one thing, consistently with the principles which every honest Roman Catholic holds—immediate establishment and ultimate ascendancy. In saying this, I do not think that I, at all, pervert Mr. Bowyer's meaning; and, if I do not, it is clear that this is not a toleration which the people of England will ever consent to. They will say to the Roman Catholics, as they say to others—"We will secure to you what we secure to the rest; but we will give you no more. You ask for more, however. By your own avowal, you are seeking it now. Having gained one degree of liberty or indulgence, you are seeking another as of right: you have obtained equality, as one among many who ought to be tolerated; but you are aspiring to ascendancy as one above all, who ought to be supreme." This is the tendency of your recent aggression. Conscience is pleaded, but dominion is meant. Toleration is asked for, but empire is designed.

The principle of toleration, therefore, as laid down by Mr. Bowyer, is not the principle upon which this House could proceed to legislate. For any toleration which asks for more than the mere equality of civil rights, is, as Burke has tersely expressed it, "not conscience, but ambition." I would rather adopt the definition which has been given of toleration by my hon. and learned Friend the Member for Oxford (Mr. Wood). He has said that toleration is perfect freedom in the exercise and observance of religious tenets—limited by this and by this only, that you should not misuse your own rights so as to injure the rights of others—*Sic utere tuo ut alienum non lœdas*. My right hon. Friend the Member for Ripon has capped that maxim by another, which is familiar to my hon. and learned Friend the Member for Oxford, *Volenti non fit injuria*. Well, I agree; and if we were willing to allow this usurpation and encroachment of the Pope, we could not allege that an injury has been done to us. But we are not willing; and therefore the maxim of my right hon. Friend recoils upon himself, and it may be turned against him as readily as in his favour.

Taking then this as the principle of toleration which ought to be applied to the present Bill—taking it, I mean, in conjunction with the duty of preserving entire the supremacy of the Crown and the independence of the kingdom—I hope I may be allowed to add a few words on the measure itself. In doing this I am very unwilling to say anything which may hamper the position of the noble Lord, for I feel he is surrounded by so many difficulties with reference to this question, that I think it is the duty of all who condemn this Papal aggression to support the noble Lord to the best of their ability. At the same time, I must point out to the noble Lord that the Bill is a defective one. It seems to me that the noble Lord would have done much better, if he had followed and acted in conformity with the ancient Statutes of Provisors and Præmunire—if he had dealt with this encroachment in what might be called the olden way; that is to say, if he had condemned the conduct which we have reason to complain of; prefacing that condemnation with an explanatory preamble, which should recite distinctly the constitutional principle upon which we proceeded. I have thought much and anxiously on this subject; and I beg to suggest to the noble Lord the propriety of declaring that the Papal brief is unlawful and void to all intents and purposes, and that we ought to prohibit all persons from acting under it—partly by way of keeping the allegiance of the people unshaken—and partly by way of a solemn protest, in the face of Europe, against the notion that any power could come into this realm, and bring into question, or derogate in any way from the only authority which England can recognise. I would wish the noble Lord to introduce, as I have said, a large preamble, setting forth, in clear and emphatic language, the constitutional principle upon which our legislation is intended to be based; pointing out the encroachments which have been made upon us; protesting against them in the most earnest manner; and declaring that such encroachments are contrary to the laws and customs of the realm, and ought not to be allowed to ripen into usage, or to obtain the sanction of time and custom. The noble Lord must deal with the subject in some such way as this, if he means to deal with it in a satisfactory manner. I do not touch upon other questions, such as the convention of synods, and the introduction of the canon law. With reference to these we require information, and they must be left for further inquiry. But the immediate offence ought now to be settled; and I firmly believe it may be settled in some such mode as that which I have suggested. By acting thus, we shall resent at once the immediate insult, and obviate by anticipation the prospective injury. We shall place all parties in the same position as that in which they were, before the aggression was attempted to be made. We shall preserve to the Roman Catholics all the rights and all the privileges which the great principle of religious toleration entitles them to expect: and we shall maintain for the Protestants all the protection and all the security which the equally just principle of self-preservation entitles them to demand. For these reasons, and with these views, I intend to support the second reading of this Bill, believing that any Bill is better than no Bill, in the deep excitement which prevails in this country from one end of it to the other. There is one thing, however, which I cannot help adding, and that is, that I would infinitely rather have no Bill at all, unless the Government is prepared to act on it as soon as it becomes the law of the land. Depend upon it, that if we leave it unnoticed and disregarded, such a course will be idle and delusive; for then, to use a lawyer's expression, we should only be making ourselves accessories after the fact to the very offence which we mean to put down. Whatever happens, you must not do this:—

> "You must not make a scarecrow of the law,
> Setting it up to fear the birds of prey;
> Nor let it keep one shape, till custom make it
> Their perch, and not their terror."

Of all the policies which a Government can pursue, this is the worst; and if these events, painful as they are, shall fail to teach us any other lesson, I hope, at any rate, they will teach us this—namely, that the steady and just administration of the law is not less important than the law itself; and I will also add, that even the steady administration of the law will be fruitless and unavailing, if it is still to be accompanied by a course of policy which encourages the offence it intends to prohibit, and which weakens the security it proposes to provide. One word more, and I have done. We have heard much about religious persecution, as if it were persecution to defend ourselves, and to repel an attack or hostile invasion. We have heard something, also, about the duty of preserving religious peace. Would to God it might be preserved! but religious peace cannot be preserved unless both parties will withdraw their forces, and prepare to stand on neutral ground. Remember, also, that it is not by us that religious peace has now been disturbed. Let it never be forgotten by whom and how this struggle has been commenced. We are taking nothing from you; but you are endeavouring to take much from us. Under the plea of conscience, you must not subject the inhabitants and people of this country to foreign laws and to a foreign jurisdiction. You must not shake that allegiance to the Crown which ought to be one, undivided, and entire. You must not set up in any church—I care not what church that may be—the sacerdotal power above the temporal; still less must you exalt the Pontifical authority above the Regal. If you do, you will put to peril the supremacy of the Crown, the freedom of the Church, and the integrity of our Constitution; and, knowing as we do, that the continued protest against what we believe to be Papal error and Papal tyranny, is the very tenure and title by which the Crown is held —is the firmest foundation on which the Church is built—is the strongest bulwark by means of which the Constitution has secured to us our freedom and our faith; I think the time is now come, not, as the Pope has prematurely predicted—when the form of ecclesiastical government in England is to be brought again into the model of Papal countries; but I think that the time has now come, when, imitating the example of Her illustrious predecessors, Her Majesty may call on you, as She has done already in her Speech from the Throne, to vindicate Her authority, as the best, and perhaps the only, means of maintaining unimpaired the nation's rights; and in such a cause—with truth, with honour, with justice on Her side—I am sure She may challenge the hearts, the obedience, the loyalty of Her subjects, while She says to them, as frankly as She certainly may truly, "I am for a free people, and I trust you are for a free Queen."

Mr. ROEBUCK said, he had been much puzzled by the peroration of the hon. and learned Gentleman who had just sat down. "A free people and a free Queen," said the hon. and learned Gentleman. Was there anything capable of comparison in the relative positions of the Pope and the Queen? We were a great people, foremost in the world, with a power hardly equalled, certainly not surpassed, by any of the nations of the earth. We had a Sovereign whom all parties obeyed—before whom they were proud to kneel—and for whom they were all ready to die. And was She not a free Queen? That was one side of the question. On the other hand, did not this House, did not the country exhibit real Protestant feeling? What had they on the other? But to begin at the head, he would take this foreign prince. What was he? As a prince he was nothing, without power, without an acre of land which he could call his own, but, if he had any power, it was merely a moral influence; and he (Mr. Roebuck) would ask how they were to deal with that moral influence by any Act of Parliament? Compare him to a free Queen and the power of this country! Talk of this country being overborne by a wandering old imbecile priest! Why, if he came into this country at all, he came in clothed only with his moral attributes. He asked what they had to fear? He wanted to deal with this question as a political one. He wanted to lift it out of the mire of theological dispute; he did not want to roll himself where he had seen so many rolled before, but he wanted to take the question, as well as himself, on some dry land, on which they might have some rational argument. Passion he did not wish to impart to it; prejudice he did not wish to seek the aid of; he would not talk about a free Queen, nor would he talk on the other hand about religious liberty. He would at once grant the noble Lord at the head of the Government all he asked for respecting the right of asserting the supremacy of the Parliament of England. He was quite ready to deal with any question brought before Parliament. He had no feeling in that respect one way or the other. He asked, did what was called the Papal aggression in any way affect the interest of England? He wanted to know the circumstances under which this law was propounded? He wanted to know the object of that law; what were the circumstances under which this law was propounded? He could not help, however painful it might be to the noble Lord, stating that the noble Lord had in this instance departed from his usual policy. He (Mr. Roebuck) could not help looking back to the antecedents from which the noble Lord had departed, and he felt that those antecedents did not justify the present proceedings. A great mistake appeared to him to have been committed by all those who supported the noble Lord in this matter, in considering the rescript of the Pope as a legal document, and not considering the position in which the Roman Catholics of England stood, and to whom that rescript was addressed. The position of the Roman Catholics was that of a Dissenting body. The Established Church was the ruling Church, and here the Catholics of the country were like the Methodists, the Congregationalists, or any other body of Dissenters. Suppose, for example, any body of Dissenters chose to introduce such a law respecting themselves (which was done every day), what would be the consequence? Why, the hon. and learned Gentleman the Solicitor General had asked this very question, "Is there not an insult and an invasion of the Royal prerogative?" What did he mean by that question? What did he intend by saying there was an invasion of the Queen's prerogative by anything the Pope had done? He (Mr. Roebuck asked that question in all humble-ness. What had the Pope done to affect the position of England, or the laws of this country? They could fully understand what the rescript of the Pope was; but having considered the statement of the hon. and learned Gentleman whose audacity—(and he used the word advisedly)—whose audacity of promise was not carried out by performance, he (Mr. Roebuck) would ask him what was the invasion? He said the Pope had insulted this country by parcelling it out into districts, and that is an invasion of the Queen's prerogative. If it were said that there had been an invasion of the Queen's prerogative or any way a diminution of Her power, he would ask how that was effected? Was the rescript opposed to the law of the land? The rescript of the Pope determined that there should be an alteration of certain portions of the Roman Catholic ecclesiastical establishment, and that bishops should be substituted for vicars-apostolic. Vicars-apostolic had long existed before; and he wished to know what powers attached to the present bishops which were not previously enjoyed by the vicars-apostolic? If the House considered the circumstances of the Roman Catholics of this country from the Reformation to the present time, they would learn how step by step that position was altered. At the Reformation, they were placed in a position inferior to the Established Church, and inferior to Dissenters—they were in the position of a persecuted sect. In 1640, when the Puritans were in power, the Puritanical spirit ruled undiminished, and the Roman Catholics were subjected to that cruel persecution of which they themselves had given the first example. Afterwards, in the year 1688, James II. introduced partially the Roman Catholic religion. The dissenting sects were aroused at this. The dissenting sects objected. At that time the Roman Catholics were very different from what they are now. Catholic England had been deposed, and wisely so, and he was not one of those who thought the Catholic religion was advantageous to the advancement of enlightenment; but that was no reason why we should make laws against our Catholic fellow-subjects. He believed when the Roman Catholics were dominant in this country the Catholic priests were the most enlightened persons in the community. Who was it that preserved all the learning of mankind? Who preserved all the ancient lore but the Roman Catholic priests? In fact, they showed the power of mind over matter, not that the manifestation was a good one; but it was a clear instance of intelligence conquering the power of the feudal aristocracy, which then bowed before the Catholic priests. In process of time, knowledge extended among the other classes, and people generally became learned, and the priests were consequently put down. The Reformation ensued, and upon that great alteration he believed the true interests of mankind depended. He believed it was of more benefit to mankind than any revolution which the world had ever seen. He took the Reformation to be a manifestation of the advancement of mankind, and a proof of learning extending to all the masses of mankind, instead of being confined to a class. But when the noble Lord talked of the Catholic religion, and spoke of its despotic tendency, did he find no difference between the present time and the period when the Catholics monopolised learning, and became the depositories of all the intellectual power and excellence of the empire. The advance of learning, the invention of the printing press, and the other aids to enlightenment which had since been developed, had entirely altered the position of the Roman Catholics. By the discovery of printing the people became learned, and the priests were not the only lettered persons in the community. But he would ask what the noble Lord intended to do with his Bill, and what evil did he fear? Did he fear encroachment from the Roman Catholics? If so in what way? The noble Lord had described the encroachments of the Catholics as developing itself in two ways—by the establishment of the hierarchy, and by the introduction of the canon law. He would take the last first. What, he asked, was really meant by the introduction of the canon law? Did any one act of the Pope affect any portion of our legal power? and did any one believe that the canon law was the law of the land? The canon law merely meant an obligation by which the Roman Catholics permitted themselves to be governed, so long as it continued. They called it the canon law, but it was not enforced in our courts of law, and was merely a moral obligation, binding on the consciences of the Roman Catholics, and to which they chose to submit. To say, therefore, that the canon law had only recently been introduced by means of the rescript of the Pope, was not the case. The power of the Pope, though always the same, was merely the force of custom, and could not be enforced by any law. The Pope had spiritual power over the minds of Roman Catholics, but he had no power in our courts of law; and to say that the people of this country, who did not hold the Catholic faith, were to be affected by the Pope's rescript, was preposterous. If this were so, then what had the rescript done? It had slightly changed the position of the ecclesiastical body in this country. The Pope had the power through vicars-apostolic of governing the entire country, and the rescript merely directed that bishops should be appointed to preside over certain districts by the clergy, so that the difference was an election by the clergy instead of direct nomination by the Pope. But the hon. and learned Solicitor General said, that there was also synodical action. Now what was "synodical action?" He (Mr. Roebuck) had seen the Wesleyan Methodists' assembly, and also the assemblies of other religious denominations; but were they to be considered as amounting to synodical action? They had been told that there was a great difference between Roman Catholics and Dissenters, and that the Roman Catholics acknowledged a foreign Prince, which the Dissenters did not. It should be remembered that the Roman Catholics had an episcopal body, and derived their power from the Pope, who was not considered in the light of a foreign Prince, but as the spiritual head of the Roman Catholic Church. Then, again, they were told that this foreign Prince would interfere with the loyalty of Roman Catholic subjects. This was a most unjustifiable attack on their loyalty. It was an unworthy return to make for the calmness and meekness with which they had borne their oppression. Up to the year 1829, there was no more loyal, submissive, and he would say docile class of subjects than the Roman Catholics of England. The Roman Catholics of England had not gained emancipation; it was gained by the Catholics of Ireland, who terrified the Government of the day. They frightened the Government; and so imminent was their danger, that he who was called "the great conqueror of a hundred fights," the Duke of Wellington, went down to the House of Lords and said, "I cannot govern the country if the Roman Catholics be not emancipated." Sir Robert Peel too, who had left the House of Commons in 1828, declaring that, as a gentleman, he was bound to maintain all the penal laws against the Roman Catholics, came down to that House in 1829 with Catholic emancipation in his hand, stating that it was impossible to maintain the Government of the country if penal laws were maintained. And did the noble Lord at the head of the Government believe that he could govern Ireland now, after so many years of enjoyment of liberty and power in that House? Did he believe that Roman Catholic Ireland would remain quiet with such a Bill as the present? Did he believe that Catholic Ireland would tolerate a Bill that exhibited all the bigotry and hatred of Parliament, without being able to show its power? Could he expect to govern the country with such a Bill as this? No, no; it was an idle *brutum fulmen.* It was a display of hostility and hatred, without the means of attack—an insult without the power of injuring. The noble Lord depended, no doubt, upon the support of his Irish Friends; but he had not discovered the great mistake he had made in writing his celebrated letter. The noble Lord had some time since discovered the great mistake he had made, and at this moment he felt acutely how unwise he was in departing from the course prescribed to a leader of a party, to say nothing of the head of a Government, by entering into a discussion in a newspaper upon such a subject. From the hour in which he penned his unfortunate letter to the present moment, the noble Lord had felt the inevitable consequences of his most imprudent proceeding. The present Bill was the natural product of the first wrong step. In itself it was wholly useless; but it would prove the destruction of the noble Lord's Administration. All the business of the country was in abeyance in consequence of it. Everything connected with the interests of England was in abeyance. The entire Government was paralysed because the Irish Members were no longer the friends of the noble Lord. Depend upon it, they would not be slow to take advantage of their power, and in the balance of party—(a balance which was now well nigh equal)—they would hold the destiny of the noble Lord's Government in their hands. Nobody felt this so much as the noble Lord himself. What was it that at this moment made the Government of this country a spectacle to the world? Why, because on neither side of the House could any party be found to take the Government of the country. The noble Lord held it by sufferance, because his opponents dared not take it. And why dared they not to take it? Because they had no majority. And what is the shuffle by which the noble Lord has held the Government of the country? Why, he has resorted to this miserable, unworthy, unstatesmanlike, blundering proceeding, which will answer no purpose save to falsify all the principles of his whole life. He had gained his power by fighting the battle of the Dissenters, and the party to which he belonged had, from 1800 to 1829, fought the battles of the Catholics; and now were they to be told by the noble Lord that he was carrying out the Whig policy of that day? All the arguments which the noble Lord had recently used, were in direct antagonism with the arguments which he had used in 1829. He could understand the hon. Baronet the Member for the University of Oxford, and the hon. Gentlemen at the Conservative side of the House, acting as they had done, because the course they had adopted was, at least, consistent. They had all along opposed the emancipation of the Catholics, and they had predicted what had happened. He could, therefore, understand them now saying, "We will oppose you now, as we opposed you in 1829;" but when the noble Lord came forward to join them, who had himself assisted in passing the measure of 1829, he confessed he was surprised. This was an attempt to stay the onward progress of a great principle, and whoever made such an attempt was invariably destroyed. The noble Lord had made the attempt, and it was clear that his destruction was inevitable. He was not the first Minister who had been destroyed by following a similar course. His Administration was not an Administration. His Government had no power. The noble Lord could do nothing either for or against his opinions. Night after night they were talking on this subject, and every one knew that the moment they came to a decision, and the Bill was passed, there would be an end to the noble Lord's Administration. In a few days after this question had been decided, some real question affecting the policy of this country would be brought forward, and what would be the consequence? The noble Lord had deserted his friends, and had enlisted in his cause the last poor remnant of bigotry and intolerance. He had offended all the liberal Irish Members, and many of his liberal English friends, who previously believed that civil and religious liberty was inscribed on his banner. To whom did the noble Lord now look for support—by whom was he now feared? By whom were his majorities made up? He (Mr. Roebuck) had seen many remarkable contrasts in that House, but he had never seen so marked a contrast as that presented by the speech of the right hon. Baronet the Member for Ripon, and the address of the noble Lord at the head of the Government. The cheers which saluted the right hon. Baronet were vehement, fierce, united, hearty, and long-sustained cheers; but they were cheers from the Government side of the House. The noble Lord attempted to answer that speech—his only support was from the opposite side of the House. Cheers, such as they were, came from the Conservative side of the House. This was a most marvellous contrast. The noble Lord felt as soon as he sat down that his spirit had gone out of him—that his former supporters were no longer his friends, and that he must look for support across the House. But to return more immediately to the measure under discussion. He was compelled to say that he looked upon this Bill as the greatest calamity which had happened to the country for a long time. He had hoped that the animosity of theological hate which existed prior to 1829 had been interred when the measure of that year was passed, and that for the future the country would be governed on the principles which were then acknowledged as the basis of future legislation. In this hope, however, he was deceived. Animosity, as far as religion was concerned, was dying out. He looked upon the attempt of Cardinal Wiseman as a most unhappy one; for, had he but waited a few years, the consequences would have been very different. In matters of religion, there were only two courses to pursue—enthusiasm or indifference. Enthusiasm led to mischief, and indifference to Cardinal Wiseman. No more disastrous step could have been taken by the noble Lord than that by which he had aroused a spirit which he could not allay. The consequence of that course would be that we should see a revival of all those miserable feelings between religions continued for many years to come, and at length witness, that the last act of the noble Lord's political life would be in opposition to all his antecedents. He believed that nothing but the good sense and prudence of the people would prevent a civil war in England and Ireland. He entreated the Irish Members, and the liberal and Catholic Members, to view the matter calmly, and they might depend upon it that the Bill was the mere effort of a party attempting to obtain power, and that if they had two months' patience, they would see that real civil liberty had not been invaded by the Bill, and that in spite of the noble Lord, and in spite of whatever other Administration might succeed the noble Lord, it would be perfectly impossible to enforce the Bill. No man knew better than the noble Lord that it was impossible to enforce the Bill in Ireland. Who could say that it would be possible to deprive the Catholic bishops of those titles which they had enjoyed for so many years? In his opinion, any attempt to put down the Roman Catholic hierarchy in England would fail. He was told that there ought to be a distinction made between England and Ireland, and that in Ireland there were eight millions of Catholics, whilst in England the poor Catholics were few in number. If there was any fear of Catholic domination, it would be in Ireland—it could not be in England. The Bill was nothing more than an exhibition of bigotry and spite against the Catholics as a body. England and Ireland were united for all purposes of government. The Government of England and of Ireland was one. The law which affected the Catholics of England must affect the Catholics of Ireland also; and they could not make a law which would make a distinction between the two countries. He would not detain the House any longer. He had expressed his opinion, and his firm belief was that the Bill in itself was entirely inefficient. It was a Bill which was brought down by the noble Lord to meet the exigency of the case, and it was now a mooted point whether, after the Bill had been shorn of two of its clauses the other should remain. The best course which the noble Lord could possibly follow would be to avail himself of the suggestion of the right hon. Member for Manchester, and put the discussion off altogether until some more convenient period; for though he might get a majority from the opposite side of the House, the Bill would never become the law of the land, and could never be enforced. The noble Lord had arrayed against him a power in the House which would prevent him from making the Bill of any practical utility. That party would take advantage of their power, and in spite of all the noble Lord's efforts, he would be compelled to quail before it. He entreated the House not to permit the Bill to be passed into a law. Let them take the advice of one who desired not merely to defend liberal opinions, but also to maintain the good government of Ireland. Let this discussion come to an end—force the noble Lord to carry out his policy, and it was the most dangerous thing they could do for him. In ten days the noble Lord would be as docile a person as any who had ever held the situation of Prime Minister. He (Mr. Roebuck) was quite sure the people of this country were thoroughly tired of this discussion. They believed really that the interests of this country were not involved in it, but they believed that there was a mere party dispute for which this was made the excuse. Let this wretched debate, then, be brought to a close. And he would take the liberty of advising the Irish Members not to league themselves against the people of England. Let them suffer the noble Lord to do his utmost. To him (Mr. Roebuck) it was clear that if the shield which stood between the noble Lord and his own countrymen were removed, the noble Lord would be deprived of the support of the people of England. The noble Lord, if this debate were brought to an end, would be compelled to bring forward measures for the advancement of those great principles which he had been so long supposed to support. The country would then test his wisdom and supposed devotion to the cause of liberty. He sincerely believed that the noble Lord at that moment was exceedingly anxious to be freed from the difficulty in which this measure had placed him. He could get out of that difficulty but by one means, and that was by retiring from office. At present nothing but this Bill stood between him and destruction.

The ATTORNEY GENERAL said, he had for some time been desirous of offering some observations to the House on the subject of this debate; and he assured the House he would make the observations he had to offer as concise as he possibly could. There was one observation which had fallen from almost every hon. Member in the debate, and particularly from the hon. and learned Member for Midhurst (Mr. Walpole), in which he fully concurred, namely, that on all sides of the House it was their common intention and their common wish in no respect whatever, or in the slightest degree, to interfere with the fullest possible spiritual action and liberty of conscience of any Roman Catholic in this country. He repeated that he fully concurred in that sentiment; and it was in the strongest belief that nothing that he could say or do would in the slightest degree trench on that principle, that he was about to offer some observations to the House; for the purpose of explaining why, in voting for the second reading of this Bill, he thought he was in no degree violating this sacred principle. It was, therefore, a matter of the greatest importance to consider whether the act of aggression, so called—the rescript of the Pope—had not, in effect, some temporal action, had not some influence on matters other than spiritual, which might have a prejudicial effect, or which would have a prejudicial effect, on the temporal liberties of various classes in this country; and if the House found it had such an effect, then it was the duty of Her Majesty's Government to interpose to prevent that effect taking place; and the only question would be, whether this measure was a proper one, and fitted to repel and prevent that action. He heard the hon. and learned Member for Sheffield (Mr. Roebuck) say, in the course of his speech, that the Papal rescript did not affect or introduce the canon law into this country—that the canon law was not the law of this country—and that it was perfectly idle to suppose the Pope would have any power on introducing the canon law here. He (the Attorney General) thought his hon. and learned Friend was mistaken in that view of the question—that he had not understood its operation; and he would endeavour to state what would be the mode in which the canon law would be introduced into this country by means of that rescript of the Pope, and its operation when so introduced. He held it was a fact not disputed by any person acquainted with that law, that the canon law could only be carried into effect by bishops of territorial dioceses, in the ordinary and common acceptation of that term. He would not refer to the authorities which had been cited on that subject at that hour of the night. He asserted that there might be bishops in the Roman Catholic Church not being bishops of territorial dioceses, and that there was a broad distinction between bishops of the Roman Catholic Church having territorial dioceses, and persons exercising episcopal functions and being bishops, but not having territorial dioceses. That was a distinction known and recognised by the canon law; and it would not be denied also, that it was only by being bishops of territorial dioceses that bishops, either as a synod or otherwise, were able to carry or put into effect the canon law with respect to the temporalities of persons holding benefices within that diocese. That was expressly admitted in the document issued by Cardinal Wiseman, and published in the pamphlet of Mr. Bowyer; and he had not heard a single authority cited to prove to his mind that that was not a doctrine of the canon law. His hon. and learned Friend (Mr. Roebuck) said that the canon law was not the law of England. He (the Attorney General) admitted that that was so; but it was a foreign law. The law of England held this—that the foreign law was a fact, like any other fact, which was to be proved by witnesses of competent character; and, when once proved, the English law did not inquire whether it was fit or reasonable, but adopted that fact, and acted upon it. Now, he would show how this operated. He would take for his illustration a case which had frequently occurred of late years. It was notorious that, in consequence of the schism in the Scotch Church, and the secession of a great number of persons, constituting what was commonly called the Free Church, great dissensions had arisen in various congregations in the North of England endowed for the Presbyterian religion according to the Church of Scotland. It had happened that the ministers in some of those establishments had been persons professing the doctrines of the Free Church, and the large majority of the congregation had professed the same doctrine; but that a small minority of them had applied to the Court of Chancery, and said that the original endowment of their congregation or institution was made for religion according to the Established Church of Scotland, and that the minister now held different doctrines from those taught by the Established Church of Scotland. Now, what was the course which the Court of Chancery adopted in this state of things? Simply this—it required evidence of what the doctrines were which were then taught by the Established Church of Scotland; and finding, from competent witnesses, that the present doctrines of the Established Church of Scotland differed from those professed by the members of the Free Church, the Court of Chancery had acted on that state of facts, and deprived the minister of his benefice; and he said the Court could not do otherwise, although in so doing it virtually changed the doctrine taught in that congregation for a long lapse of years. Now, let the House observe how that principle would operate in the case before them. Considering there were but a small number of Roman Catholics in this country compared with the population, they were, he believed, a particularly wealthy body, and one very richly endowed with respect to ecclesiastical benefices. There were claims of lay patronage on behalf of Roman Catholic proprietors. Now, the bishops of the Roman Catholic Church had, as he believed, claimed the right of appointing to those benefices; and that right had been successfully disputed by laymen, on the ground that, although they were bishops, as they were not territorial bishops, they could not enforce that right. But the moment they invested the bishop with a territorial diocese, then immediately, by the force of the canon law, the bishop would have the right to appoint, under certain circumstances and conditions which it was unnecessary to enumerate, the priests to those benefices, and which right, till he became a territorial bishop, he did not possess; the bishops might then come to the Court of Chancery and enforce every one of these trusts, and after a reference to ascertain the fact of what were the provisions of the canon law, with reference to this subject, the Court of Chancery would enforce that canon law, and would not allow those benefices to be given to any persons save such as had been appointed by the bishop of the diocese. That was an illustration of the way in which the law would work, which he gave to make his meaning clear; because he found the question was discussed and disputed on all sides of the House; and he found hon. Gentlemen denying or affirming the possibility of the operation of the canon law, or that it was possible for the Pope to introduce it into this country. He had explained the mode in which he believed it might be introduced, and he believed that it might be introduced to a very considerable extent in various other instances in temporal matters; and he believed further, that it would be a very injurious thing to this country to allow priests, appointed by a foreign potentate, to exercise temporal rights and powers over persons in this country. It was quite a different case from that which was put by the hon. Member for Oldham, when he said every religious body had, or ought to have, the appointment of its own leaders or bishops. But the present was not the case of a sect in this country seeking to appoint its own bishops—if it were, he did not believe that any persons would object to it; but it was the case of a foreign Court having the appointment or control over bishops, who in their turn would have control over the property of the inhabitants of this country. He said, then, that what he had hitherto stated showed that the rescript of the Pope related to temporal matters. The next question was, to what extent and in what way did it interfere with spiritual matters? Was it in any respect necessary to create territorial bishops in order that they might exercise spiritual functions which they could not exercise before? He spoke with some diffidence on this subject; but, as he had endeavoured to make himself master of this question, and as, at an early period of his life, he had given considerable attention to the canon and civil law, he believed he spoke the exact truth when he said that there was no spiritual function whatever which could not be performed to the same extent, and in all respects as effectually, by a bishop officiating in a district, as well as by a bishop with a territorial title. He had been present during the whole debate, and had listened attentively to what was said by every person—he must add, he was present in his usual place when the hon. Member for Dorsetshire the other night complained of his absence—and he must say that he had not heard one Gentleman mention a single function of a spiritual nature which required a bishop with a territorial diocese to enable him to perform. Was it ordination—was it collation to a benefice—was it dispensation—was it administration of any of the sacraments? He would invite any Gentleman who might speak after him, to tell the House what particular spiritual function there was which required to be administered by a bishop with a territorial diocese, and which could not be administered by a bishop without a territorial diocese. Then if these things were so, this consequence followed, that the Bill, which prohibited the territorial titles and nothing more, could not injure or affect the spiritual practices of the Roman Catholics; and assuming that the Bill did not touch the spiritual part of the case, but the temporal only, it appeared to him that it was idle to talk of persecution and of tyrannising over the conscience of the Roman Catholics. What did they mean by toleration and perfect liberty of conscience? His meaning of the phrase was, to allow every person the exercise of his religion in the most perfect and unfettered manner he could by possibility do. But were they interfering with the rights of conscience, or the freedom of religion, if they said you shall not, under colour of that, introduce a particular species of machinery into this country, which would transfer into the hands of a foreign Government property to a considerable extent, belonging to the inhabitants of this country, and which will enable you to deal with temporal matters in a way that you have never before been allowed to do. Then allow him to observe this—had there been any complaint made by the Roman Catholics at any time that the full spiritual functions of their religion could not be performed by their bishops? Was there one spiritual act referred to, either by Cardinal Wiseman or Mr. Bowyer, which had not hitherto been performed to its fullest extent? He referred to this the more particularly because the right hon. Member for Ripon appeared to have misunderstood the argument of his hon. and learned Friend the Solicitor General on this point. He appeared to represent the argument of the Solicitor General as founded on this view, that the immediate legal consequence of taking away territorial titles would be to prevent synods from being held in this country, and so prevent the introduction of the canon law; whereas his hon. and learned Friend was only explaining shortly what he had now ventured to illustrate in greater detail. If this were correct, he would beg the House to look at the Bill and to consider it, with the expressed intention of the Government to omit every clause but the first; and, therefore, he begged the House would look at it from that point of view. He would make one observation here as to the second clause. When he last addressed the House on the Bill as prepared to be introduced, the second clause contained the word "acts" as well as the words "deeds and instruments;" and that circumstance explained why he thought, and had stated to the House, that that clause affected the synodal action of the bishops. He would admit that there was a great difference in the case of Ireland and that of England, and the difference between them was obvious. It was true the Bill would operate to the same effect in matters spiritual and temporal in both countries; but it was an admitted fact that in Ireland for three hundred years—ever since the Reformation—they had carried on a course of church government by bishops with territorial sees; whereas, for the same period of time, there had been no such practice in this country. Now, it must be obvious that it was a very different matter to put an end to a practice which had existed for 300 years in one country, from forbidding the introduction of that practice into another country where it had, during that time, never existed at all. He rejoiced, therefore, that the noble Lord and the Government had resolved to omit the three clauses, and to confine themselves to the first. Now, one word—particularly as his attention had more than once been called to it—with respect to the legal opinion which had been quoted by the hon. Member for Dundalk and others. He did not agree with that opinion to its full extent; and he would as shortly as possible state to the House how far he thought that opinion correct, and how far only. It was undoubted law that contracts entered into, or liabilities incurred, by a person calling himself Archbishop of Westminster could be enforced in a court of law; and that, for instance, a bill of exchange or a bond, might be recovered against him, although signed by him under the title of Archbishop of Westminster, he was satisfied that no lawyer would be found to dispute. He was satisfied also that no lawyer would be found to dispute this proposition—that if a legacy were left by will to the Archbishop of Westminster for the time being, the only thing the Court of Chancery would look to was, who was the person that was intended by these words to be designated. There could be no question whatever that that would be the operation of the law, and that the same thing would happen if a trust were declared to be executed by the Archbishop of Westminster for the time being; consequently it was not in his opinion possible to say with accuracy that the second and third clauses were included in the first clause. His right hon. Friend the Home Secretary had, on a former occasion, quoted the high authority of Sir Edward Sugden, as having decided the case of a legacy on these principles, and had directed it to be carried into effect. He admitted, however, that to this extent, and to this extent only, the second clause, not the third, might be included in the first: namely, that if there was any act which could only be performed by reason of the person who performed it being a bishop of an existing territorial diocese—if it could only be rendered efficacious by being performed by a person holding such a title, and that was a prohibited title, then that act would be void, and could not be sustained in any case in a court of justice. Such an act would be prohibited by the first clause, and that would no doubt interfere to some extent with the action of synods so far as civil courts were concerned. So far as these acts might require to be put in evidence before a court of law, they would be held to be void; but in no other way could the first clause operate with the effect of the second. He also wished to observe that for twenty-one years Ireland had been exactly in the same condition as she would be under this Bill as to the law. It was notorious that there were there bishops with territorial sees, and that they had been bishops of dioceses in name only; and yet it was notorious that in no court of law or equity had this point ever been contended for. Had this opinion been entertained—and this he would venture to say, and he was sure that all his brethren of the English bar would agree with him, that there were no gentlemen at any bar more subtle, more ingenious, more learned, more able to find ingenious points than the gentlemen of the Irish bar, and undoubtedly the disposition was not wanting among members of the Irish bar to take that objection if there were an opportunity to do so, but no such objection had ever been taken, and the law had been administered there in accordance with the principles he had stated—he would venture also to say, that the doctrines which had been held in Ireland for such a length of time would be sanctioned by the civil courts of this country; and that only to the extent which he had explained would the first clause include the others. He admitted the difference between the case of England and the case of Ireland; but when he heard the loud exclamations which had been raised against the measure, let him call the attention of the House to what the Bill really proposed to do. The Bill proposed to do nothing more than this—if new bishops were created in Ireland, they must be put exactly on the same footing as the old ones; and if any bishops were created in this country, they must be exactly on the same footing as the present Irish bishops. Was that a monstrous persecution? Was that a proposition to call forth the denunciations of hon. Members, and to excite, as had been witnessed, the utmost depths of their feelings? Surely there must be something more than they now saw in all this—there must be something more than appeared to the eye when this measure to put the Roman Catholic bishops on one universal footing raised such opposition, and excited so much indignation. When the same measure was introduced at the passing of the Emancipation Act in 1829, was it not then considered as a great boon? Did hon. Gentlemen then exclaim that it was a monstrous persecution? Did hon. Gentlemen then say that this was a tyrannous enactment, and a binding of men's consciences? Did they say that this was an abandonment of the principles of civil and religious freedom, which its introducers had been supporting during the whole course of their lives? So far from it, that the measure was then considered harmless, though it effected a change in the position of the Roman Catholic bishops, from what they had enjoyed for 300 years before. It appeared to him astounding to say that this measure was a violation of every principle of civil and religious liberty. He could not but think that several hon. English Members who opposed the measure did it from a desire that every Church should be totally disconnected with the State in all matters spiritual and ecclesiastical; that the Queen ought not to have supremacy in Church matters, but that the Church ought to be supreme in these matters herself. That opinion undoubtedly was the cause of a great schism in the Scottish Church; it was the opinion of a large class in this country; and he could understand hon. Gentlemen who entertained that opinion, thinking this Bill a violation of civil and religious liberty, and objecting to it on that ground. But from these doctrines he wholly dissented, and he supported the Bill, among other reasons, because that, in his opinion, it affirmed the 37th Article of the Church of England, which pronounced that the Queen was the supreme governor of the Church in all causes or matters ecclesiastical and civil. He must say that his hon. and learned Friend the Member for Sheffield and others had introduced matters of a personal character into this debate—that they had spoken of the supporters of this measure as actuated by nothing but intense hatred to the Roman Catholics, and a desire to persecute. He thought his hon. and learned Friend did not himself really believe this proposition to be founded on fact; or that he (the Attorney General), or those persons with whom he had the happiness to act, were actuated by any other feelings than those which he professed to entertain—he professed with great truth to entertain a feeling of the strongest possible affection for his Roman Catholic fellow-subjects, and the strongest wish that they should have the freest and most unfettered use of their religion in every sense of the word. The right hon. Member for Ripon, in his brilliant speech, to which he (the Attorney General) had listened with much more admiration than pleasure, had referred to a passage in a speech of his (the Attorney General's), on the debate of the Diplomatic Relations with Rome, as to something which not only justified the Pope in what he had done, but which condemned him and his friends in the course they were now taking to resist the Pope. But if the House would allow him to refer to that passage, it would be seen that what he said then was in strict accordance with what he said now, and that it was only prophetic of what had actually occurred in September last. On the debate on the Bill for establishing Diplomatic Relations with Rome, he resisted an Amendment which was proposed by the then hon. Member for Lambeth, and said that as the law stood, the Pope could parcel out the country into bishoprics and archbishoprics; that if the House introduced the Amendment, which prohibited dealing with spiritual matters, the Pope would still be able so to divide the country, and there would be nothing to prevent him; and that the only mode of preventing him was by establishing diplomatic relations with him. [3 *Hansard*, ci., 512.] That was to say, he deprecated such a measure, and was desirous that the House should pass a Bill which would enable the Government to take such steps as would prevent it. That was entirely in accordance with what he now said, and he believed he was correct in saying it, and had since given an opinion that there was nothing in the law to prevent the Pope from parcelling out the country into archbishoprics and bishoprics; that there was a law to prevent the introduction of bulls, but there was no law to prevent him from parcelling out the country.

Now, various suggestions had been made as to the best course of meeting this measure. Some hon. Gentlemen had suggested proceeding by the Attorney General. He confessed that he had been exceedingly reluctant to any such proceeding; and his hon. and learned Colleague and himself had strongly dissuaded Her Majesty's Government from taking any legal steps against any person who had been a party to the introduction of the bull, for the only offence prohibited by statute was that of introducing and publishing a bull. But there was not a newspaper in the country which had not been guilty of the offence of publication as much as Cardinal Wiseman; and, moreover, the offence was constituted under an old statute, of which the penalties had been repealed; and he and his learned Colleague did not think they could advise the Government to institute any such proceeding. Now with respect to another suggestion, that we ought to establish diplomatic relations with Rome, he must remind them that they had introduced a Bill for the purpose of establishing diplomatic relations with Rome three years ago. And why had that not been done? Principally because a noble Earl in another place, and the noble Lords with whom he acted had introduced a clause into the Bill which crippled the measure; and this was the more remarkable, because that noble Earl was now one of the strongest opponents of the present measure. Yet he would venture to say now, as he had said in 1848, that the best mode of preventing such aggression as this would have been by establishing complete diplomatic relations with the Court of Rome, which would enable this country to regulate the footing on which the Court of Rome might interfere in matters ecclesiastical and spiritual in this country. He thought then, as he thought now—and subsequent occurrences had only the more convinced him—that it was unfortunate a proper and complete measure was not passed at that time. He had already said he could not consent to bring an action. What other course remained? The only other course was a legislative enactment. What was the legislative enactment they had introduced? It was a legislative declaration that the thing was illegal, and it imposed certain penalties to be enforced by the Attorney General in case it should be persisted in. Formerly the assumption of the titles of sees was a misdemeanour, punishable at common law by fine and imprisonment, both of which were in the discretion of the court. They now left it to be an offence subject to a penalty of 100*l.*, thereby limiting the punishment to that extent, and taking away altogether the punishment by imprisonment; they further prevented any ordinary person from improperly instituting an information or proceeding, and they required that that proceeding should be under the sanction and under the responsibility of the first law officer of the Crown. That did appear, consistently with the doing anything effective at all, to be as mild a mode as could by possibility be devised. Now he would say this had ever been the case. The Roman Catholics had been, as he believed, and most persons who had addressed the House concurred in the sentiment, a body of men remarkable for their attachment to the Throne and the interests of this country. He did not mean to make any peculiar exception, for the purpose of placing them above all other subjects of Her Majesty who entertained the same zeal; but the Roman Catholics had not been behindhand —they had always professed obedience to the law, and a desire to obey the provisions enacted by the law. Now, here would be an opportunity for them of showing that spirit. It would be declared by the Legislature that it was illegal to assume the power of appointment to sees, and they would see what course the Roman Catholics took, whether they were prepared to obey the law in this matter; because, if they did not obey, it was easily in the power of Parliament to make more stringent laws, and to enforce that now proposed. He thought so far from being an insult, on the contrary it was by far the most courteous way by which they could enforce the law, if they enforced it at all, with respect to our Roman Catholic fellow-subjects. Because we said to them—"This is the law, which you say you will obey, and we expect you will be prepared to obey it, as all other laws of the country; we have so much confidence in your good zeal, that you will do that which you have always professed, that we do not add to it those stringent clauses —the clauses of deprivation—in case you disobey it."

He confessed, among the various expressions used among the various Members, it appeared to him that Gentlemen in many respects had rather given way to a disposition for declamation on freedom of conscience, on liberty of thought and judgment, than really addressed themselves to the subject matter in hand. He confessed that he expected his right hon. Friend the Member for Ripon would scarcely have compared the measure now introduced to the revocation of the Edict of Nantes, that he would have scarcely indulged in expressions on the amount of persecutions, or the backward and retrograde course adopted by the Government in this measure. With respect to himself, the right hon. Baronet did, in a manner peculiarly touching, refer to the peculiar position in which he stood in that House, through the memory of one to whom he was bound by every pious tie, and to whom he principally owed the station he now enjoyed. He (Sir J. Graham) referred to those principles in which he (the Attorney General) had been educated as inconsistent with those which he now professed. He believed there was nothing in that which he was saying and doing—if he did not believe so he could not have ventured to address the House—which was not perfectly consistent with all those opinions and all the doctrines in which he had been educated. He would refer, not as quoting the words of the right hon. Baronet, but for the purpose of expressing more correctly than his (the Attorney General's) own words would allow, the statement of Whig principles, in which the right hon. Baronet was educated, and to which, with very little qualification, he entirely subscribed, to the observation of the right hon. Baronet himself, on March 13, 1835, in that House on the question of the Church of Ireland Appropriation Bill. The right hon. Baronet in the debate on the Appropriation Clause said—

> "But it may be said, that in the line of conduct which I am now adopting, I am deviating from those genuine Whig principles upon which I have acted, since my entrance into public life, and in which I hope, and still flatter myself, though hon. Members may sneer at the declaration—I shall persevere until its termination. What are these principles? I speak here in the presence of many distinguished Members of the Whig party; in the presence of a Russell, a name famed for the support of these noble principles, not more of liberty than of the Protestant religion; and if I might venture to define Whig principles as I embraced them, I should say, that they consisted in the assertion of the utmost liberty of thought and of action in all matters, whether of politics or of religion, consistent with law, order, and constituted authority. No death's head and cross-bone denunciations against the free exercise of the elective franchise. No prayer of mercy, limited to heaven, but denied on earth, to the unhappy Catholic who shall dare to vote for a Conservative candidate. No, Sir, they consist no less in love of freedom, than in jealousy of Popery as an instrument of dominant political power, and in ardent uncompromising attachment to the Protestant religion as by law established in these realms."

He (the Attorney General) fully concurred in those sentiments, and in the strongest possible desire for the utmost freedom of thought and conscience; and he should most strongly object to any attempt to interfere, on the part of the Romish Church, with the due performance and exercise of civil rights and functions.

There was one view of this case, undoubtedly, which had occurred to him, on various occasions and under various circumstances, which, with some reluctance, he would venture to present to the House; and he addressed more particularly the Roman Catholic Gentlemen who represented various places in Ireland. Had it ever occurred to them—for he confessed it had to him—whether this act of aggression, as he called it, of the Pope, was directed solely against England? He was by no means sure, but he thought it was only a step, and not the first step, towards giving the Roman Catholic Church in this country a predominance over the Roman Catholic Church in Ireland. He was by no means clear, if the event should ever occur in this country, whether in Ireland they would not see the priests appointed and bishops instituted by the Pope of Rome at the instance of the head of the hierarchical power of this country. A greater calamity would thereby be inflicted on Ireland than she had hitherto suffered. Having had the freest possible Church, having always elected their own churchmen, they would then be in a different and distinct situation. It was undoubtedly a remarkable circumstance, if true, as he was informed, that up to the present time, on no occasion within the memory of man had a Primate been appointed to the Catholic Church in Ireland, except those elected by the Roman Catholic clergy of Ireland themselves. Undoubtedly on a recent occasion three prelates had been presented to the Pope, and rejected by him, and another person was selected by him to fill the Primate's see. He had nothing to say against that eminent prelate (Dr. Cullen). He believed him to be a man of the greatest eminence, and of the greatest learning, and highly fit for the station; but it was by no means clear to him that his appointment to that station proceeded unauthorised, and without consultation, with other parties in this country; and there are many connected with Ireland.

He did confess he had looked forward with the greatest possible pleasure to the belief that that system, which was the curse of this country and of Ireland, up to the year 1829—that system of treating Ireland as a governed and conquered country, had entirely ceased—that they had introduced a totally new system. Notwithstanding that Ireland had passed through an ordeal of a serious description, he believed it was the opinion of every person that there had been lately a dawning and increasing prosperity in that country, and appearances of relief from its calamities of which no appearances existed many years previously. He hoped and believed that would continue. He hoped and believed nothing in this measure could in any degree interfere with those useful measures necessary to carry them into effect. And he did fully believe, solely because this measure put all parties in that country and in this, all bishops of the Roman Catholic Church in England and in the Irish Church on the same footing, that it was not such as ought, when fully and properly considered, to interfere with that due and proper harmony which existed between the two countries. And it was on that and on the grounds which he had already stated—because he believed it was in no degree an interference with the principle of religious liberty—in no degree with those friendly and kindly relations which he felt towards Ireland, and which he believed all Englishmen who had had anything to do with that country must feel for them and their character and disposition—it was because that was so, that he thought he could, consistently with the principles in which he had been educated, conscientiously say that he hoped the Bill, unaltered from that form in which it was proposed by Government, would be carried into operation.

MR. W. FAGAN moved the adjournment of the debate.

LORD J. RUSSELL: I do not object to the adjournment of this debate: but I hope Gentlemen will consider, after the length to which it has been carried, an arguments so amply used on both sides, that we may on Monday next look for its conclusion.

Debate further adjourned till Monday next.—The House adjourned at half-after Twelve o'clock till Monday next.

HOUSE OF LORDS,

Monday, March 24, 1851.

MINUTES.] PUBLIC BILLS. — 1^a Patent Law Amendment
Reported.—Commons Inclosure.
3^a Sale of Arsenic Regulation.

SALE OF ARSENIC REGULATION BILL.

The EARL of CARLISLE, on moving the Third Reading of this Bill, said, that while the Bill was in Committee he had received a vast number of communications from all parts of the country containing suggestions for its improvement—some of them from persons who were entitled to speak with the utmost authority on the subject; and, in accordance with their advice, there were several amendments and additions which, if the Bill should be read a third time, he intended to propose for their Lordships' adoption. The Bill, as it originally stood, made it imperative upon the seller of any quantity of arsenic to enter in a book kept for the purpose the name and residence of the person making the purchase, and the purpose for which he alleged he wanted the article. He now proposed that for any sale of arsenic whatever, it should be imperative not only upon the seller to enter the name of the purchaser, and the purposes for which he alleged he wanted the article, but also that the purchaser should himself sign his name, with the view of still further fixing his identity, and giving an additional clue to his apprehension in case it should afterwards appear that any sinister use had been made of the article; and also that in certain cases, it should not be sold except in the presence of a witness. It had also been represented to him that there were a number of cases constantly occurring—indeed, some had occurred since the introduction of this Bill—in which death took place by accidental poisoning by arsenic. With the view of preventing, as far as possible, the occurrence of this class of cases, it had been recommended that some foreign colour should be given to the arsenic, in order that it might not be mistaken for flour, meal, carbonate of soda, or the like; and this suggestion he intended to ask their Lordships also to adopt. Arsenic, however, was used extensively for the purposes of the arts and manufactures; and it had been represented that the introduction of a foreign colour might interfere with some of the purposes to which it might be legitimately put, although no such objection could apply to the uses to which it was put in connection with agriculture—such as the steeping of seed, the rubbing of sheep, and the destroying of vermin. He intended to propose a clause, therefore, providing that no person should sell less than 10lb. weight of uncoloured arsenic, unless it was stated by the purchaser that he wanted it for some purpose in which the introduction of an adventitious colour would be injurious. As regarded certain purposes, it was proposed that arsenic should be coloured with a certain quantity of indigo, or, as it might be represented that indigo was rather dear and difficult to procure in remote districts of the country, he intended to propose that soot also, which was found everywhere, should be employed as the colouring matter; the mixture with either of these articles would materially interfere with the use of the article in the preparation of food. He likewise thought it expedient that it should be expressly enacted that arsenic should be sold to none but male adults, as several deplorable accidents had occurred from young children and female servants having been sent to purchase it. He also intended to propose that in cases where less than 10lb. of uncoloured arsenic was required for any purpose, there should not only be the signature of the purchaser, but likewise the presence of a witness who was known to the seller. He believed that these provisions would go as far as any provisions which the Legislature could adopt, both to prevent the accidental use of the article, and to give a clue to the detection of persons who had used it for a felonious purpose. He would only add that the inquiries he had made on the subject had confirmed the propriety of the view he originally took of the inexpediency of clogging the measure with provisions with respect to other kinds of poison. He thought it better to confine its provisions to the case of the article which was most commonly used for sinister purposes, and which was the most frequent cause of accidental poisoning.

Bill read 3ª; Amendments made; Bill passed, and sent to the Commons.

IMPORTATION OF FLOUR.

The EARL of DESART moved for an account for the years 1849 and 1850, and for the first quarter of the year 1851, respectively, of the number of quarters of Wheat, Barley, and Oats, and of the number of sacks and barrels of Flour respectively, imported into England, Ireland, and Scotland severally, from the United States of America, from Canada, from France, and from all the other parts of Europe; distinguishing the quantity of those articles sent from each country respectively; also stating the number of quarters of wheat to which the entire number of sacks and barrels of flour from each country were an equivalent, stating the difference of cost in freight between imported flour and imported wheat from France, Canada, and the United States respectively. The noble Earl said, that great dissatisfaction had been caused in many parts of the United Kingdom, especially in Ireland, by the large importations of flour which had taken place within the last two years, which had proved injurious both to the farmers and the millers, insomuch that several gentlemen in his neighbourhood, whom he knew to be freetraders, had joined together in a petition, praying for the imposition of a duty upon the importation of foreign flour. It might be said that their conduct was inconsistent; but he thought there was no inconsistency in it, because they asked for a duty not upon the raw material, but upon the manufactured article. The evil had proved a very serious one to mill property, especially in his county, on account of the immense water-power existing there, because, in consequence of the large importation of foreign flour, some of them had been shut up entirely, while others that remained open were having their machinery adapted to the preparation of flax, in pursuance of a speculative movement which was at present taking place with reference to the growth of that article in Ireland. He trusted their Lordships would grant his returns; and, after he had obtained the information he wanted, he would take some future opportunity of directing their Lordships' attention to the subject.

Earl GREY so far concurred with the noble Earl, that he thought it very remarkable that there should have been so great an importation of foreign flour; but upon the whole, he believed that in the end it would be very far from being a disadvantage to this country. On the contrary, he believed that the importation which had already occurred had led to a great improvement in the manner in which the trade of producing flour was carried on in this country. He was persuaded that it was visionary to suppose that our millers were in danger from competition with those of France. The French millers, undoubtedly, had the advantage of improvements in their mills which had not hitherto been introduced into this country; but competition had in this, as in other cases, already produced the necessary effects. The mills in this country, he was told, were fast adopting the improved processes which had long been in use in France. A considerable establishment on the new process was at present, he understood, in the course of erection not very far from this city, in the neighbourhood of Battersea; and, if there was any considerable movement of that kind, he thought it impossible that the advantages should not be on the side of the English miller. In the first place, it had always been admitted by the greatest advocates of protection, that in all that respected machinery and mechanical ingenuity, this country stood at the head of all the countries of the world. He believed that there was no country where such things were so thoroughly understood. Our millers had this further advantage over the French millers, that they had a cheap supply of coal for their steam mills, because there was a heavy differential duty levied upon that particular quality of coal which was most used for steam power in France. He happened to know something about this matter himself, being in the situation of the owner of a steam colliery which used to have a great foreign trade, but in consequence of the differential duty in France, the demand for English steam coal had greatly diminished. He strongly, and he thought so far justly, complained of this duty, and he believed that other coalowners concurred with him in complaining of the inconvenience of being deprived of the French market; but, at the same time, although the duty was inconvenient to the coalowners, it was an advantage to the English millers; for, as long as the French maintained this differential duty upon the means of raising their steam power, our manufacturers, whether of flour or of any other article, had nothing to fear from French competition, because the differential duty in favour of Belgian coals was, in point of fact, a bounty to our millers and manufacturers as compared with those of France. Nor was this all. France had a very restrictive law against the admission of foreign corn. The consequence was, that the French millers were restricted to the particular quality of corn which happened to be grown in a particular year in France; whereas, under our law, the English miller had the range of the whole world, and could select the various qualities of wheat which were calculated to produce the finest article; and with this advantage, combined with the advantage in respect to steam power, he had not the slightest doubt that, very soon, the English millers would entirely distance the French millers in the race of competition, and the effect of that competition must be beneficial alike to the manufacturer and the consumer.

Lord STANLEY said, that nothing

could be better than the noble Earl's reasons for expecting great advantages to the English miller from the changes to which he referred; but the misfortune was, that facts were opposed to his reasons. Just as it was said, when the corn laws were abolished, that the introduction of foreign corn would not bring down the price of English wheat to less than 48*s.* per quarter, whereas the price had fallen to 37*s.* and 38*s.*, so the noble Lord now said, with equal probability, that the introduction of foreign flour would not affect the English miller, because he had an immense advantage from the cheapness of coal; though he (Lord Stanley) did not exactly see how that could apply to mills that were driven by water power, which was the case with most of them. The fact was, that notwithstanding all the advantages enjoyed by the English miller, the effect of the competition was to introduce foreign flour in an increased and increasing quantity, and the value of English mill property was greatly deteriorating.

Earl GREY said, that a change of habits did not take place in a day; but the good effects were beginning to appear, several large establishments having already adopted the French system. The spur of competition had, therefore, so far forced the necessity of improvement upon our millers, and other improvements would doubtless follow. With respect to the prices of corn, he begged the noble Lord would except him from the number of those who had made prophecies on that subject, for he had always held that no man could, or at least ought, to attempt to prophecy what prices would be given for an article in any future year; for he had always said, prices ought to be left to regulate themselves, and, in the long run, would regulate themselves. Nothing which had passed had at all altered his opinion, that on an average number of years they would find wheat selling at remunerative prices.

Earl FITZWILLIAM: Yes, and in the milling trade also. He believed that by the introduction of the principles on which the French mills were constructed, our millers need have no fear of competing with their French neighbours.

The **Earl of MALMESBURY**: The noble Earl (Earl Grey) had stated, that he thought the milling interest in this country was improving, and that it had taken a lesson from our French neighbours, whom it would supersede in the market. Now he (the Earl of Malmesbury) happened to live upon a coast which had been inundated, principally with French corn and flour. When the corn laws were abolished, the French first tried their hands at introducing corn; and considerable activity prevailing in the milling trade in consequence, several persons invested their capital in the erection of steam-mills, thinking that they would be able to grind corn at a cheaper rate than the French millers; but after trying it for about two years, they found that the French millers had beaten them, and they were obliged to abandon their steam-mills. At this moment every attempt was being made to improve the agriculture of this country, in order to give it a chance of competing successfully with the foreigner; and as water was most useful for the purpose of irrigation, steam-mills had in many instances been erected to render the water by which the mills had been previously worked, available for the former purpose. The French miller principally used water power, and thus the English artificial power would have to compete with the French natural power.

Motion *agreed to.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, March 24, 1851.

Minutes.] New Member Sworn.—For Thirsk, Sir William Payne Gallwey, Bart.
Public Bills.—1^a Steam Navigation.
2^a Designs Act Extension.

ECCLESIASTICAL TITLES ASSUMPTION BILL—ADJOURNED DEBATE (SIXTH NIGHT).

Order read, for resuming Adjourned Debate on Amendment to Question [14th March],—Debate *resumed.*

Mr. W. FAGAN, having on a previous occasion expressed his sentiments at great length on the question before the House, would endeavour to compress into the shortest possible space what he had then to offer to its consideration, and he claimed its indulgence as a matter of justice. His religion had been assailed in every possible form, and it was made a subject for legislation, and therefore he felt confident that he would receive the attention of the House. He would in the first place refer to the speech delivered on Thursday evening by

Lord Stanley

the hon. Member for West Surrey (Mr. Drummond). He was glad that it was not his fate to have addressed the House immediately after that hon. Member, for, participating as he did in the indignation and excitement which then prevailed, he might have used language which he would afterwards repent of. Now, however, he approached the subject more with feelings of pain and regret, that any one worthy, from his position in society, of a seat in that House, should not only have given expression to the gross language that hon. Member had used, but that a belief of the statement he had made should have found admission into his mind. No one was a greater advocate than he was of freedom of debate; but he must say, it was exceedingly hard that Members should be permitted, grossly and wantonly, to offend and insult, and to wound the feelings on the most sensitive of all subjects, and that if any one so insulted should get up in his place and say, that that statement was false and calumnious, such Member so acting as the occasion demanded, would be instantly called to order, and forced to retract what he had said. He thought justice and fair play required some alteration in that respect of the rules of decorum and debate. He congratulated the noble Lord at the head of the Government on that specimen of what his legislation had produced, and was producing, in the country. What had occurred in that House, was a sample of what was taking place in every coterie throughout the length and breadth of the land: the worst humours were being excited—rancour and animosity and foul calumny were sweeping over the land; and all for a paltry piece of legislation that we are told means nothing. He would congratulate his countrymen also, who were so indignant with him (Mr. Fagan) for not voting against his political and most cherished principles, in order to place in power that party of which the hon. Gentleman (Mr. Drummond) was a prominent Member, at their present escape. Had Lord Stanley succeeded in forming a Government, there would have been a Committee of Inquiry into subjects most dear and sacred to the Catholic mind; and the hon. Member and the Member for Bodmin would have been members of it, and there would have been examined before it, the M'Neiles, the M'Ghees, the O'Sullivans of Exeter Hall notoriety, and there would have been all kinds of ingenious devices brought before the world, and the most scandalous and calumnious statements would have been made with the appearance of truth, and the whole kingdom would have been startled from its propriety, and kept in excitement until the pear was ripe, and the moment for a dissolution arrived. He would heartily congratulate his countrymen on that escape. He would not repeat the indecent language used by the hon. Member regarding those communities of ladies belonging to the first families in England, who associated in purity, innocence, and truth, to carry out the gospel counsels of St. Paul, which counsels no one who believed in the Scriptures could sneer at or despise. He would now come to the subject immediately before the House. During that protracted debate, hon. Members could not avoid observing that, from the commencement, not one speaker addressed himself to the measure under consideration; and this remark applied particularly to hon. and learned Members belonging to the long robe. From the hon. and learned Member for the city of Oxford (Mr. W. P. Wood), to the hon. and learned Member for Newark (Mr. Walpole), who spoke with so much force and eloquence on Friday night, every one took a wide discursive range into subjects to which the Bill before the House could not possibly apply. He could only account for this by supposing that the House of Commons concurred with the country, and that it was not so much aggression by a foreign Power on the prerogatives of the Crown that was dreaded, as the spread of Popery. It was, as the hon. Member for Oldham (Mr. Fox) stated, the repression of the Roman Catholic religion the people called for; and it was that, judging from their speeches, that hon. Members in that House required. What, then, hon. and learned Members seemed chiefly to dread, was the introduction of the canon law, because, as they thought, it would give the Pope, not his subordinate clergy, temporal power and consideration within this realm. The learned Member (Mr. W. P. Wood) said that the temporal was so dovetailed and mixed up with the spiritual in the canon law, that it was found impossible to separate them; and the hon. and learned Member for Newark professed his unwillingness to interfere at all, only that the aggression touched temporal matters. It was really too bad, after the repeated denial, upon oath, too, of Roman Catholics, that such temporal power existed on the part of the Pope, as spiritual head of the Church, that these statements should be over and over again repeated. The Roman Catholics of these kingdoms believe the declaration urged by the bishops of the Gallican Church in 1682, and drawn up by the celebrated Bossuet—they believe, as that declaration sets forth, that "St. Peter and his successors, vicars of Jesus Christ, and the whole Church itself, have received no power from God but over things spiritual and concerning salvation, and not over temporal and civil affairs." Though the declaration of the Gallican Church has not been formally received into the Church of Ireland, still the theology of Bossuet has been always taught at Maynooth, and the works of the eminent French theologians are the class books in that establishment. He was justified, then, in repudiating the allegation that the temporal power of the Pope and his subordinates were part and parcel of the Catholic religion, or were necessary to the spiritual government of the Church. These were allegations without proof, and neither of the distinguished lawyers to whom he alluded attempted to show how that temporal law was created or exercised. The Solicitor General, and also the Attorney General, did attempt to do so, but in his (Mr. Fagan's) opinion without success. The Solicitor General endeavoured to show it in this way. Every Catholic clergyman has a civil status as such in the country, and by reason of that status may be in the enjoyment of property, as, for instance, endowments in the Church; and that he was liable to be suspended by the bishop, and thereby lose his status. This, he maintained, was the exertion of temporal power and authority on the part of the episcopacy. The Attorney General said a considerable number of Roman Catholics in this country were very wealthy, and they were, as a body, richly endowed with respect to ecclesiastical benefices. There were claims of lay patronage on the behalf of Roman Catholic proprietors. The bishops of the Roman Catholic Church, as he believed, had always claimed the right of appointing the priests to those benefices. That claim had been hitherto successfully resisted by the laity. The prelates of the Roman Catholic Church being simply bishops, and not having any territorial dioceses, could not enforce that claim. But the moment they were made territorial, and had dioceses, by the force of the canon law the bishops would have the right to appoint, under certain circumstances, and under certain conditions, the priests to those benefices. They would then come to the Court of Chancery, and the Court would enforce every one of these trusts; and upon proof of the fact of that being the canon law of the Church of Rome, the Court of Chancery would enforce the canon law, would remove the priest, and give the income of the benefice to the person so appointed by the bishop of the diocese. Now, would the House be surprised to hear that the power of suspension and removal was incomparably greater under a vicariate system than under a regularly-established hierarchy? The vicars-apostolic had absolute and unlimited power to remove and suspend without assigning any reason whatever. Thus Mr. M'Donnell, the distinguished clergyman many years resident in Birmingham, was removed from that city without any reason assigned; and so was Mr. Hearne from Manchester, where he was universally respected and beloved; whereas under the normal system of church government, through a regularly-constituted hierarchy, these gentlemen would have had a canonical institution, and could not have been removed without being found guilty, after due trial, of some canonical misdemeanour. Therefore the temporal power of the bishops, alluded to by the Solicitor General, did not arise from the introduction of the canon law; for it was far more extensive where that law had no existence. It might be true, as stated by the Attorney General, that under vicars-apostolic the lay patron of a benefice might refuse to pay the endowment to any clergyman not appointed by himself. But this was equally true that no person enjoying such benefice could officiate or discharge any functions without the authority of the vicar-apostolic, as in the case of the late Mr. Raphael, formerly a Member of that House. He built a magnificent church near Kingston-on-Thames; but as he wanted to have the entire control and authority over the minister and the church, no clergyman was appointed to the benefice, and very properly, because of the necessity of preserving the independence of the clerical character. It might be true, that under the authority of the canon law the bishop could legally induct into such a benefice a clergyman of his own appointment in spite of the patron. Well, if that were so, he thought it preferable to the present plan, where the bishop could suspend without reason, and where altercations between lay patrons and the bishop debarred, the Roman Catholic inhabitants of a place of worship. Under the canon law, once inducted into a benefice or parish, the clergyman could not be removed; and, let him observe, that that was the chief reason why the establishment of a hierarchy was so universally looked for by the Roman Catholic laity and clergy. How could it be supposed that a sufficient supply of secular clergy could be found to meet the spiritual wants of a really increasing population, if when they entered on the ministry they found they had no rights —no protection from caprice—and were liable to be dismissed and deprived of all faculties at a moment's notice, and without cause? Did it not stand to reason that if you want a sufficiency of clergy, the only way to secure them is to give them the protection of canonical institution? and this can only be done by the establishment of an episcopacy with territorial titles. It was quite true that if matters remained as they were, and no further steps were taken, the clergy of Beverley would be quite justified in the statements put forword in their address to Cardinal Wiseman. For, until by synodical action, canons of discipline are arranged and enforced, the secondary clergy have no canonical protection from their diocesan, while he himself is now comparatively independent of the Pope. But he had the very best reasons for believing that Cardinal Wiseman was most anxious to give the clergy their full rights; and were it not for the existing excitement, a synod would have already met to give effect to such portion of the canon law as was suitable to the peculiar circumstances of this country. No canon law incompatible with the municipal law of a country is binding on the conscience; and therefore not obligatory unless it is founded on the revealed word of God—that is, unless it is a canon of faith and doctrine. The Catholics believe it a matter of faith "to give unto Cæsar the things that are Cæsar's." No portion of the canon law can be admitted in this country without the consent, in synod, of the bishops; and there is no doubt they will adapt the wants of the Roman Catholic community to the habits of society, and to the laws of the country. There is no danger of the introduction of bulls or canons of bygone ages having reference to the then existing state of society, when Popes were supposed as feudal chiefs to have absolute monarchical power over other sovereigns. These unfortunate times have passed away; and the spirit and principles which they generated are also gone, never to return. The hon. and learned Member for the city of Oxford spoke at great length of the bull *In cœna Domini* as likely to apply to this country after the establishment of a hierarchy. Now that bull has been scouted from every country in Europe, and never has been attempted to be introduced into Ireland. Dr. Doyle, in his evidence before a Committee of this House in 1825, is asked "Is the bull *In cœna Domini* now in force?" He answers—

> "There are portions of that bull that were in force from the time of Christ; but the bull, as a bull, is not in force, nor ever was in force in Ireland, and has been rejected by nearly all the Christian countries in Europe. If that were in force, there is scarcely anything would be at rest amongst the Catholic States of Europe; and they have been as solemn and as earnest in protesting against it as we have been at any time in England or Ireland."

So much for that statement of the hon. and learned Gentleman as regards the danger to be apprehended from the bull *In cœna Domini.* Then he points to the dispute between the Pope and Sardinia as a specimen of the encroaching tendencies of Rome, and of the spiritual tyranny it exhibits even at the death-bed. Now in that case, if there were any encroachment, it was on the part of the King of Sardinia; for he was breaking through a regular concordat with Rome, in which many privileges were conceded to the Sovereign; and in return, these very immunities in dispute secured to the clergy. On the one hand, there was an attempt to enslave the clergy, and make them tools of the State; on the other, there was an endeavour to preserve their independence, and the Pope was right. As to the spiritual part of the affair, he believed there was gross exaggeration and misrepresentation on the subject. He at one time was fully aware of all the circumstances, but they were now sufficiently fixed in his memory to state them to the House. All he would say on the subject was this, that to the dying sinner truly repentant who seeks the consolations of religion, the sacraments cannot be refused. If he persists in impenitence, as did Mrs. Manning, for instance, denying her guilt to the last, though known to have committed murder, it would be sacrilege to administer the sacrament to him in such a state of mind, and it would increase his criminality. Something of that kind occurred in the case of the Sardinian Minister during his second and last illness. The hon. and learned Member, when he had described the horrors of the canon law and of the ancient bulls and rescripts, then proclaims that Rome never changes—that she is inflexible. Now, the doctrines of the Catholic Church never change, and, he believed, never can change to the consummation of things; but the discipline of that Church was ever varying according to times and countries, and the necessities of religion; and the power exercised by ecclesiastics at one period of history, or in one country, was different from that employed in a more advanced state of civilisation. But, supposing the ecclesiastical system of government now introduced into England, bringing with it the canon law, produced the effects that these honourable and learned Members supposed, the question then arose, did that Bill now before the House meet the case, and prevent it? The Solicitor General says it did. Now, he would tell his right hon. Friend, that neither that Bill, nor any other he could introduce, would prevent the establishment of the hierarchy, the meetings of the bishops in synod, or the introduction of the canon law. King William the Third passed a law in Ireland, banishing from the country every Popish priest; and yet the priests, and their bishops, and the canon law, remained in Ireland in spite of the penal enactments. In 1782, that penal law was relaxed, with, however, this proviso, that the relaxation should not apply to those who assumed or had any ecclesiastical title or dignity; yet the bishops, and the hierarchy, and the canon law remained in Ireland. So it would be with this Bill, or any other of the same nature. He would defy them to bring it to bear to prevent the development of the Catholic religion. But there was another view to be taken of the Bill before the House from the opinion expressed by the Attorney General. When he (Mr. Fagan) heard the statements of the Home Secretary (Sir G. Grey), he thought, as the right hon. Gentleman himself thought, that the first and only clause now in the Bill was merely in extension of the prohibitory section of the Emancipation Act, as regards episcopal titles; and, to his unlearned mind, the force of Mr. Bethell's opinion was not at first apparent. But, now, looking upon that portion of Mr. Bethell's opinion with which the Attorney General concurred as undisputed law, he saw at once that this Bill, and also the Emancipation Act, went further than merely prohibiting, under a penalty, the assumption of territorial titles. The Attorney General admits—

> "If there was any act which could only be operative by reason of a person being bishop of a territorial see, and holding a prohibited title, then that act would be void, and could not be sustained in any court of law. Such an act would be prohibited by the first clause."

Now, this clearly interferes with letters of ordination, and with endowments to parish priests under the Bequests Act; and, undoubtedly, according to this construction of the law, the letter of ordination by Dr. Murray, which the right hon. Member for Ripon (Sir James Graham) read the other evening, was an illegal document, and consequently void in law, under the provisions of the Emancipation Act. But, says the Attorney General—

> "The Bill proposed to do nothing more than this—to say, if you make any new bishops in Ireland, they will be exactly on the same footing as the old ones; and if you make any new bishops in this country, they will be exactly on the same footing as the Irish bishops."

To that he replied, It did. It proposed absolutely to re-enact that clause in the Emancipation Act which, since the Bequests Act, was gradually, by decisions in the Courts of Equity in Ireland being put aside. The Bequests Act, without absolutely repealing, put aside that penal clause in the Act of 1829, by recognising the Catholic bishops, and by allowing endowments in perpetual succession to the Catholic clergy. That being done, the Courts of Equity recognised these letters of ordination to prove title to an endowment, and thus allowed that which the Attorney General now admits is prohibited by his first clause; and thus the Bill does more than extend the clause of the Act of 1829. It actually re-enacts it again, and overrides the decisions of Courts of Equity. The Government, then, taking the law from the Attorney General, and standing by the pledge given by the Home Secretary, that it was not intended to interfere with ordination or endowments, is bound either to abandon the Bill altogether, or to add a proviso at the end of the clause to this effect. But let him not be supposed to admit that the first clause, with even that proviso, would satisfy the justice of the case. Far from it. In whatever shape it would pass the Legislature, it would always be considered an insult, gratuitous and wanton, on one-third of Her Majesty's subjects in these kingdoms. It has excited a shout and raised a ferment in Ireland that the noble

Lord (Lord J. Russell) little dreamed of. Indeed he (Mr. Fagan), knowing the prostrate condition of that country, never anticipated that they would be roused from the lethargy and torpor of despair in which they were. But their religious feelings were outraged, and that was sufficient to raise a storm in that country it would be difficult to calm. Even his (Mr. Fagan's) constituents, who were calm as the summer's sea, compared to the wild excitement elsewhere, had come to a resolution, requiring him to vote on every occasion, no matter what principle was involved, against the Government, so exasperated did they feel with the conduct of the noble Lord. Of course, he could not forfeit character or relinquish principle by consenting to such a course; and he preferred retiring altogether from his onerous duties, than to lose his own self-respect. He merely mentioned this to show how thoroughly and for ever the noble Lord had disgusted the people of Ireland. Thus had he in an evil hour broken up the great party of which he was the head. The right arm of his political power was Ireland, because she always looked upon the Whig party as the great advocates of religious liberty. What are they now? Its most determined opponents; and therefore it is the people of Ireland have turned against them. And why has the noble Lord thus shipwrecked his party? Can any one believe it was to avenge an insult put upon the country and the Queen by the Pope? Why, it was impossible there could be any insult intended, and therefore there was none given. At the time the system of hierarchical government for England was determined on, the Pope was very popular in this country; and it was in human nature that he should carefully not do anything to lose that popularity, and when it was suggested to him to erect London into a bishopric, he refused, for fear of giving offence to the Government of England; and he (Mr. Fagan) was satisfied the bishopric of St. David's was created by mistake, or that it was so called by a mistranslation of the Papal Brief. But the noble Lord the Foreign Minister says, why did not he, or Cardinal Wiseman, intimate directly to Government what he had in contemplation? There is a very plain answer to that inquiry, namely, that the Government of England ignored the Pope in his spiritual capacity. They recognised him only as temporal sovereign of the Roman States, and he was prevented sending any person but a layman to represent him here. At the time the Diplomatic Relations Bill was passing through this House, he foretold what would be the consequence of the second clause of that Bill, and he voted against it because of that clause. Well, how could the Pope, whose existence as a spiritual prince was ignored—how could he communicate on spiritual matters with the English Government, or why should the noble Lord have expected it? His not doing so was no sign of disrespect. It was the necessary consequence of that unfortunate clause. Could any one believe that this Bill was intended to repeal an aggression on the prerogative of the Crown, which makes the Sovereign the sole fountain of honour? How did the appointment of Catholic bishops interfere with that prerogative? The word bishop, or, as the true translation of the rescript would make it, "Overseer," is no title to which the prerogative can have reference. It is merely a spiritual designation, which, even in the Established Church, the Queen herself has not the power to confer. Her bishops are named by the deans and chapters; and they had lately the case of Dr. Hampden, where the dean and chapter refused to elect whom Her Majesty had nominated. There was, then, no infringement on the Royal prerogative. Was there one on the Queen's supremacy? Surely that could not be maintained, for the Queen's supremacy extended only over the Established Church; and even this, above two thousand of the clergy, headed by the Bishop of Exeter, denied the extent of supremacy claimed for Her by other members of the same Church. In Scotland, too, the Queen's supremacy was unknown; and yet there the Bill extended likewise—proving that infringement on the supremacy was not the cause of this miserable legislation. Was it that the noble Lord thought he could best cover the position he had taken by his letter to the Bishop of Durham, by that piece of legislation? He believed the noble Lord incapable of such an act. Was it to satisfy the prejudices and passions of the people of England? It is clear that that Bill would never effect that object. What motive, then, was really at the bottom of this proceeding of the Government? He believed that it arose from that morbid prejudice against the Catholic religion which existed in the mind of the noble Lord, as well as with other educated men in this country. They believed that the spread of that religion would be injurious to civil liberty and to human enlightenment, and therefore they were in their inward hearts for its repression. Mark the observations the other evening of the hon. and learned Member for Cambridge University (Mr. Wigram). That hon. and learned Member, one would have supposed, had endeavoured, in reading history, to trace effects to their true causes. Now, in the first speech which he delivered in that House, he traced most unfairly the social, moral, and political depression of several Roman Catholic countries to the religion of the people—Italy, for instance. Now, could the hon. and learned Gentleman have forgotten that, during the period in the history of that country that the Catholic religion had most influence, and the power of the priesthood was greatest, Italy was, politically and commercially, great, and was the diffuser of literature throughout Europe, and the restorer and preserver of her ancient claims. So also with Spain: that country was both politically and commercially great, and had a high literary character, at a time when the Catholic religion was most powerful there. It was the incubus of absolute despotism that destroyed the energies of Italy—it was the baneful policy of the Bourbons that depressed the moral and political condition of Spain. So also with Ireland. When Ireland was wholly Catholic, and before an English foot was planted on her soil, she was, comparatively with other countries, enlightened and civilised. It is to England she owes her depressed condition. It was to the efforts for centuries made to root out the Catholic religion and plant Protestantism in its place, that you must trace the moral and social condition of that unfortunate country. It is to the difference of climate and of race, and not to the difference of religion, you must trace the relative condition of the different nations in America. Let him remind the hon. and learned Member that it was to his Catholic ancestors he owed some of the dearest liberties he possesses as a subject, and to them also the high educational establishments of the country. It is to the Catholic religion Europe owes any liberty it possesses, for in the early times it was the bulwark against feudal despotism, and the protector of the poor and the feeble. It was to the Catholic religion they owed the abolition of slavery in Europe, and that chivalry and honour which are still the boast of the aristocracy of this country. The morbid prejudice in this country against the Catholic religion as opposed to civilisation, was without foundation—and therefore, on these grounds, the measure was not justified. The sole object of the Pope in what was done, was to supply the spiritual wants of the increasing Catholic population. But the right hon. the Member for Cambridge University (Mr. Goulburn) asked, if that was the case, why, during the twenty-five years of Catholic agitation, the grievance of not having a regular hierarchy was never once mentioned. His answer was, that the agitation was for civil rights, and had nothing to say to spiritual matters. Besides, up till lately the want of a hierarchy was not so pressing. Under the vicariate system, the regular, having all the faculties of secular, clergy—which they could not have under a regularly constituted hierarchy—were found most necessary to the spiritual wants of the Catholics, more particularly to poor Catholics, because they were not wholly dependent on contributions from their flocks; but when the Catholics increased to nearly a million persons, and were now increasing by means of emigration from Ireland, and were increasing in wealth also, the regulars could not do the spiritual work, and an abundant supply of secular clergy—which could only be had through canonical institution—became imperatively necessary. Hence the chief reason for the recent change in their ecclesiastical system. But it is said, what has Ireland to do with that? and the Attorney General, addressing himself to Irish Members, tells them to beware lest the ultimate object was not to make the Irish Catholic Church dependent on the English; and he endeavoured to surmount their hostility by this statement. Now, all he would say to that was, that Ireland had no dread of the kind. Ireland showed before how she could maintain the independence of her Church when one and all, bishops, priests, and laity, they resisted the veto which Rome was inclined to grant to England; and that independence, under all circumstances, will be upheld, and it will be done by no one with more determination than by that truehearted Irishman, Dr. Cullen, who has been called by the law adviser of the Crown, "an Italian monk;" an appellation, however offensive, not quite as derogatory as that of "Christian unattached," which was applied to the right hon. Solicitor General himself. No; the Irish Members will not be caught by the appeal of the Attorney General. They will fight this battle of religious liberty as they did those of Parliamentary and municipal franchises for England, and prove that as Catholics they were always at the side of freedom. He had repelled the accusations against his religion—he had shown why he objected against the Bill before the House. He opposed it because it was a retrograde step in legislation—he opposed it because it infringed upon the Emancipation Act, which was the charter of the Catholics—he opposed it because it abrogated the Charitable Bequests Act—he opposed it because it was but an instalment of increased severity in case the bishops presumed to interfere with the education of their people — and, finally, and above all, he opposed it because it infringed on the great principle of civil liberty.

Mr. SMYTHE: I wish, Sir, to state as briefly as I can my reason for renewing my vote against what I cannot help regarding as a sham Bill, of sham pains and sham penalties, against a sham aggression. And, Sir, I entertain myself such strong opinions on this measure, that I am not surprised at the indignation of tone adopted just now by the hon. Gentleman the Member for the city of Cork (Mr. Fagan). Because, what are, after all, our relations with the Roman Catholic Church in Ireland? It is in vain and idle to shrink from, or to blink, or to evade this question. It cannot be denied that within the last ten years the State, weary perhaps of a sterile, unpopular, and expensive helpmate, has contracted a left-handed and morganatic alliance, through the Charitable Bequests Act, and the Maynooth Bill, with the Roman Catholic Church of Ireland. And yet, on the very first occasion and opportunity, you now seek to insult and to repudiate the bride of your not illegitimate and certainly not impolitic bigamy. In a far different spirit the noble Lord the Secretary of State for the Colonies, in the spirit of a wise, a far-seeing, and a courageous statesman, overlooking the miserable scruples of a pedantic uniformity, has not hesitated to accord to the Roman Catholic prelates in the colonies those titles which Mr. Pitt would have accorded to them; and who, knowing probably from the routine of his office that we rule St. Lucie by French laws, Trinidad by Spanish laws, Demerara, Berbice, and the Cape, by Dutch laws, has seen no good reason why Malta should not have Catholic bishops, or why Catholic flocks should be deprived of episcopal superintendence in Australia. And why should there not be Catholic laws and Catholic bishops in Catholic Ireland? Nay, why not Catholic bishops and Catholic laws for Catholics in England? Now, what is it that the Pope really has done? He has accorded certain territorial titles, but no territorial faculties. The title of Archbishop of Westminster involves no more territorial faculties than the title of King of Cyprus and Jerusalem, as now borne by the King of Sardinia, or the title of King of Jerusalem, as concurrently borne by the King of the Two Sicilies, without umbrage one to the other, and without umbrage to that Grand Turk who *de facto* governs both Cyprus and Jerusalem in a sense far different from that in which Archbishop Wiseman proposes to govern Middlesex and Essex. The title of Archbishop of Westminster involves no more territorial faculties than the title of King of France, which was borne by three electors of Hanover in succession, Constitutional Kings of England. It involves no more territorial faculties than the title of King of England, when it was assumed by King James the Third, King Charles the Third, or King Henry the Ninth. Legislate as the Parliament did upon the subject—proscribe them, as did the Government of that day—they were still, in their own words, *Dei gratiâ non voluntate hominum*—Kings of England to the consciences of some at least among their subjects. Legislate as you may upon this subject—proscribe, as you are about to do, Cardinal Wiseman he will still be, *Dei gratiâ non voluntate hominum*, Primate of all England, to the consciences of some at least among his Catholic subordinates. The distinction is one which eludes and defies legislation, because it is, *in foro conscientiœ*, between man and God. It is that distinction which has been illustrated in the old doggrel of the Jacobites:—

> "God bless the King—God bless the faith's defender!
> God bless—there is no harm in blessing the Pretender.
> But who is that Pretender, or who that King,
> God bless us all! that's quite another thing!"

But it has been stated by the hon. Member for the city of Oxford, that the Pope has accorded certain ecclesiastical rights, another term for spiritual faculties. Now, are you going to legislate against those spiritual faculties? Not directly; but you are going to legislate against territorial titles, because of and on account of those spiritual faculties. I have a right, therefore, to assume that spiritual faculties are the head and front of the offending. Now it seems to me that it would have been as reasonable for the Emperor Julian to have engaged in a persecution of the Original Sin, or of any other doctrine of the Christian dispensation; or for King Louis XIV. to have indulged in a dragonade against the innate ideas of Cartesian philosophy; or for the Emperor of Russia to issue in these days an ukase against magnetic influences, against all things ideal, subjective, and impalpable, as for the Government of England to run a-muck against spiritual faculties. Because they are beyond man's volition and human control; or, if they are not beyond his volition and his control—if faith, as some metaphysicians pretend, does in some degree depend upon man's free will, that is precisely the very reason why you should not legislate on the subject. Not only because you thereby commit a Protestant community to the monstrous antithesis of prosecuting private judgment, but because the power rests with everybody of nullifying the Pope's authority. You have only not to believe, and the Pope's authority ceases and determines. Where there are *croyans* there is the Pope's jurisdiction, and there no legislation can affect it. Where there are *mécreans* —and the *mécreans* are many—the name of the *mécreans* is legion, the name of the *mécreans* is the people of England—there the whole thing becomes a farce. And it is as a farce that the noble Lord ought to have treated this most absurd affair, or as the noble Lord had himself described it in his first most eloquent speech, "as a blunder on the sudden"—as another characteristic of that untoward Papacy which has been paved with good intentions—as another proof of that sterile, inane, and unintelligent benevolence which will pass into a proverb for political disaster. The statesman who, in the heart of the nineteenth century, could dream of laying the foundations of spiritual unity in England, can only be the statesman who, in the same nineteenth century, could dream of laying the foundations of political unity in Italy—

"None but himself could be his parallel."

Moreover, if the Pope's brief is, as the noble Lord says, a "blunder on the sudden," the machinery by which his Holiness wishes to carry it out, I think he will in the long run find out to be a blunder on the slow. Now, let me suppose, for the sake of argument,

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that the Pope was really in earnest, which, God forbid! in a *bonâ fide* hostile aggression upon England. It must be obvious in this case that he has at his command a body of troops far otherwise and far more formidable than a cardinal and half-a-dozen suffragans — forces far more and far otherwise to be dreaded than the hordes of Russia, or the armies of the Empire. I mean those monastic orders by whom everything of practical use to Rome, in modern ages, has been effected —those monastic orders which are, so to speak, the Catholic Church in Committee. I mean one order in particular, which has been largely and lavishly abused, but which, as it has survived the Provincial Letters, so, I think, the provincial speeches of the winter of 1850 will hardly put it down. I mean that Order of Jesus, of which the wisest of Anglican philosophers (Lord Bacon) once used these remarkable terms:—"Being what they are, would that they were ours!" And being what they were, I find that the organisation of this order was, during the reign of Elizabeth and James (if secret), yet perfect and complete in England. Well, then, if, during that heyday of persecution—if, by the vicious perfection of the gallows, the thumb-screw, and the rack, it was impossible to keep out and withstand Jesuit aggression, I have a right to assume that the Pope would naturally, in any real *bonâ fide* hostile aggression upon England, have made use of agents as tried, as trusty, and as successful as were these. But you may say they are here already. Granted. But there has been no fresh intrusion, which is my argument. And the fact that they are here already, exposes the monstrous hypocrisy of your present legislation. If it is true—as it is true—that the Order of Jesus has been reconstituted in England since 1803; if they have divided—as they have divided—Great Britain into Jesuit provinces; if they have increased in power and in numbers since the adoption in the Act of 1829 of the absurd clause that was intended to operate against them; if the primary and secondary instruction of Catholic England is mostly in their hands—is it not monstrous that you should come down here and strain at this gnat of an episcopate, while you have so long swallowed, without one wry face, such a monastic order? But the Pope has not sent regulars to England; he has preferred to send seculars, and to found a particular Church. Now, herein lies the blunder in the slow. If there is one thing which history teaches more than another —*Quod semper, quod ubique, quod ab omnibus*—it is that the agency of Rome has been in all time thwarted by the agency of particular churches. In Venice, by heretical teaching; in Spain, by jealousy, which led to confiscation and secularisation; in Portugal, by jealousy, which connected itself with philosophic statesmanship; in France, by jealousy, which led to the four propositions of the Gallican Church, one of which has just been quoted by the hon. Member for the city of Cork; but, above all, in England by the Reformation, by the Revolution, by this very legislation—all the results and fruits of a particular Church. But, absurd and suicidal as I believe this brief to have been to the interests of Rome herself, I shall not hesitate to say that it is in one sense most meritorious—at once an example and a warning to ourselves. She has given the most signal, the most startling, the most transcendent homage to the voluntary principle. For the first time in history she has connected, by the side of an Established Church, the grandeurs of the Roman hierarchy with the voluntary principle. I remember to have read in one of the debates of the Long Parliament, in the speech of the Puritan Member for Kent (Sir Edward Deering), of a legend of the mediæval Church, which related that, when first Christianity exchanged the persecution of the Pagan emperors for the smiles and the favours and the monies of Constantine, the voice of an angel was heard crying and wailing in the air, *Hodie in ecclesiam venenum infunditur*—"This day is poison poured into the Church." Out of this mediæval myth Rome has extracted a profound political truth. What makes her so powerful now-a-days—more powerful than at any time I have ever read of in the annals of the Church? So powerful, that ten thousand bayonets have been sent to her support by the universal suffrage of France—again the eldest daughter of the Church—at the cost of the universal suffrage of France. So powerful, that spontaneous restitutions of Church property are day by day taking place in Spain. So powerful, that in one second by one stroke of Prince Schwartzenberg's pen, the rationalistic bigotry and the Josephist spoliations of a hundred years have been annulled. One sole fact. That day by day, and bit by bit, and degree by degree, she is withdrawing herself from State connection and Erastian domination. Thus it is that she has been enabled to present to the world the unique spectacle of a pauper hierarchy by the side of a largely salaried episcopate: that pauper hierarchy recognised, and prayed for, and sympathised in by universal Christendom; that largely salaried episcopate not recognised, and not prayed for, and not sympathised in, out of the British empire. At the head of that pauper hierarchy she has sent a Cardinal Prince of the Church—one, who, as the Earl of Powis said, in his admirable speech in Shropshire, would take precedence even of the Prince Consort in every Court of the Continent of Europe; but she has sent him with the wallet of the mendicant beneath the robes of the Cardinal, dependent upon the alms of those who choose to believe. In this Rome at least has effected this. She has gone far beyond the Government of England in the spirit of that '89, which decreed that none should pay for a faith other than his own. She has flung far downwards the shadow of a coming truth into a posterity which will be not ungrateful for the boon. She has gone further. She has read here in England the first banns of those free nuptials between liberty and faith—between modern liberty and ancient faith, which, in my conscience, I believe in no remote age will yet regenerate the West.

MR. M. MILNES said, that it was not without great pain that he had come to the conclusion that it was his duty to support the measure which had been introduced by Her Majesty's Ministers. He had arrived at that conclusion after the closest investigation he could give to the subject, for he had found himself unable to deny the proposition patent upon the Bill—that there had been an assumption of ecclesiastical titles which it was right and just that Parliament should prohibit. He could not help feeling, when he heard the admirable speech of the hon. and learned Member for Plymouth (Mr. Roundell Palmer), that he could have concurred most heartily with that hon. Gentleman, both in his premises and conclusions, if he could have believed that they were justified in arguing in so abstract a manner upon this question. He could not discard all the historical bearings of the case, and reduce the question to the bare theory, such as was generally to be met with in works on political economy, which almost always set out with "Suppose a man alone on an island." Supposing the question stood by itself, without any historical associations or political incidents, the arguments of the hon. and learned Member would have been entirely irrefragable; but he (Mr. Milnes) could not dissociate this question either from the past or from the present. He could not but see, when the Roman Catholics of this country took up the position of a voluntary sect, and told them they wished for nothing more than was given to the Wesleyans and Independents, that there was a certain hypocrisy in that representation, and that, as a body, they desired and claimed more. It was an historical fact that the question between Catholicism and Protestantism had been the subject of a great moral conflict in this country—a conflict accompanied by political confusion and distractions, accompanied by the death of one king, and the expulsion of another, and resulting in the end in a victory for Protestantism; but only by a change in the line of succession to the Throne, and by a revision of the institutions of the country. The hon. Member for Cork had told them what it was impossible altogether to deny, that there was among the people of this country a peculiar hatred of Popery. He (Mr. Milnes) would not call that feeling a hatred of Popery, so much as a strong suspicion of the adherents of the Roman Catholic faith, which he believed to be warranted and founded upon historical experience. Another element in the matter was well worthy consideration. There had been long growing up in the people of England, in a more decided form than the past had ever shown, a suspicion and dislike of hierarchical authority altogether. This feeling had shown itself strongly at the conclusion of the last Parliament, when the Government brought in a Bill to create, without any additional expense to the country, or any additional honour, a certain number of additional bishoprics: the very notion of an addition to the number of bishops was so ill received by that House, that the measure was all but abandoned by the Goverment. No doubt this feeling, combined with the feeling of the people against Roman Catholicism, had had a great deal to do with the late demonstrations. He did not think it possible to deny the spontaneous character of these demonstrations; and much as he objected to the letter of the noble Lord, on the ground that no Minister ought to make his private religious opinions part of his public policy—he did not believe that the letter had had any real effect in exciting the people of this country. The subject itself was of so exciting a character that had not the Government taken it up, the question, instead of being tossed as it was like a shuttlecock from one side of the House to the other, would have become a standard of violent and factious opposition, and have been accompanied with greater danger and difficulty than was now experienced. He conceived the object of the Bill to be simply this—to assimilate the Roman Catholic bishoprics which had been established in this country by the Pope, in form and in legal condition, to those at present established in Ireland. The clause of the Act of 1829 had been sufficiently operative in Ireland for all purposes which were intended when that Act was passed. That intention was simply to prevent the overt and ostentatious use of those titles of the Roman Catholic bishops in public documents and forms, in open antagonism to the claims of the Protestant bishops in that country. That clause had perfectly answered the purpose. With the exception of that very able, but not very moderate, prelate the Archbishop of Tuam, no one had ever attempted, in any public document, to attach the titles of the Roman Catholic bishops in an illegal manner; and, in their late address presented to the Throne, they had not taken the names proscribed by law. The object of the Bill on the table was simply to apply the same principle to the new hierarchy established in England. Therefore it was a question of form; and it was solely as such that he agreed to it. In all these matters it was of the greatest possible importance that they should clearly understand what legislation could and what it could not do. The establishment of a hierarchy in England by the Pope was an act entirely in his spiritual power, and which we were totally without any means of preventing. But the publication of that act, the mode in which it was introduced, and its purposes and intentions, were brought before us so prominently and distinctly, and there were so many cases in which the manner had so much to do with the matter—and the mode of expression had much influence—that we were perfectly justified, with all regard to the principles of toleration, in examining how far the mode in which this act was done, called for legislation, or any demonstration on the part of Parliament. No one who had examined the documents connected with the establishment of that hierarchy, making every possible allowance for the Court of Rome, and for the persons to whom the act was entrusted, could fail to see that there pervaded the whole a distinct assumption of territorial power—an assumption of something, historically and politically speaking, totally distinct from that which would follow upon the establishment of a new constitution of Wesleyans, Independents, or any other sect. The hon. and learned Member for Plymouth (Mr. R. Palmer) had said that the Roman Catholic Church required an absolute ecclesiastical development as a portion of its religious system, and that it could not be considered entirely religiously free, unless allowed to be ecclesiastically developed in any way or direction it chose. But in the recognition of ecclesiastical power, something more was associated than the mere religious ordinance. There were countries, as in America, where, from peculiar circumstances, it carried nothing with it but religious consequences and influences. There it was not uncommon for persons to leave the Roman Catholic Church and attach themselves to some other; there were also instances of congregations dividing, and becoming attached to another pastor or bishop. But such things were impossible here. The ecclesiastical domination of Rome was a fact in history which it was impossible to deny, and he could not see how it was possible to dissociate it from political influence, and to say that it was purely spiritual. Look at the present condition of the Papal Court; compare its apparent frail and feeble political organisation with the enormous real political power which it exercised over the world. Of course the Roman Catholic faith would have remained the same whether the Pope had continued at Gaeta, or returned to Rome; but the political feeling of the Roman Catholics of Europe did not permit him to remain at Gaeta, they brought him back to Rome, almost over the slain bodies of his own subjects; they established him, and still preserved him there in a very bad government. They did this because of the political influence connected with the condition of the Papacy, which it was impossible in that or in any other case entirely to ignore. Therefore, seeing the act of the Pope connecting itself with a certain political condition of Europe at that moment, they violated no principle of religious liberty in treating it as they were now doing. The manner also in which the new hierarchy had been established and announced, equally afforded justification for legislative interference. It was very possible to conceive that that establishment might have been so brought about as to offend nobody. Suppose that the Papal rescript, instead of assuming the power and influence which it did, had stated in some such terms as these: that the Catholics of England were desirous of possessing a more perfect organisation of their Church — that it was desirable to place them in a more independent position by means of an hierarchy—that the vicars-apostolic should be raised into bishops—that they should have certain districts assigned them under the name of local bishops, with an archbishop at their head. Had this been done unostentatiously and simply, in moderate and reasonable terms, none of the bad feelings or animosities now excited need have been provoked. But, instead of this, the Act was avowedly not one of assumption merely, it was one of resumption. The Pope represented himself as reclaiming and resuming his old ecclesiastical power in England; he declared the Acts passed even under Catholic sovereigns to be all repealed, and he treated England just as though there had never been a Reformation, a Revolution, or a civil war; he ignored them all. By that act he reassumed his full power in England, to the abnegation of our national Protestantism and our established hierarchy. Then the titles selected were the most ostentatious that could be conceived —they were selected as though purposely to create suspicion and aversion to the measure—Westminster, connected with all the greatest associations of this country, with Royal power and Parliamentary legislation, was chosen for the metropolitan see, and the ancient churches of the country which existed in Roman Catholic times, as Beverley and Southwell, were selected as the sees of bishoprics. By what agency had the act been performed? The eminent personage selected to execute this measure, so obnoxious and ostentatious, wanted no virtue or talent that could give dignity or power to his position; but the very fact that Cardinal Wiseman had assumed so delicate and difficult a task, only made it stranger how, in obedience to the Court of Rome, one of the most distinguished, most able, and best-intentioned men in the country could undertake a mission so unpatriotic and unpopular. Many Members of that House would recollect that for many years at Rome Dr. Wiseman received with kindness and courtesy English visitors, and distinguished himself, not more from his urbanity of manner than for his liberality of opinion. He was at one time almost the only prelate who received with urbanity and courtesy those who were supposed to differ most widely from the Roman Court in political matters—amongst them, M. Montalembert, then proscribed by the Roman See, now the advocate for the most absolute Popery in France. The Bill was not without foundation; it was supported by the facts of the case, and by the public opinion of that House; and he could not but think that there must have been, in the introduction of the system at this peculiar moment, some influence which they were unable to fathom. He did consider it would be one which could bring nothing but confusion and difficulty to this country. Baron Nieumann, in a recent pamphlet, said that England was like Carthage, and that she had found her Rome in Austria. Another explanation might be given of those words, very different from what the author intended. He doubted not that that Power which was now attempting throughout Europe to recover, by fair and by unfair means, all it had lost, if not directly engaged in this scheme, nevertheless looked upon it with considerable gratification, and would be extremely glad if it succeeded in disturbing the internal relations of this country, and exciting ill-will amongst its subjects. He must, however, say that he did not see why the Government should not have limited this Bill to Great Britain. The clause of the Act of 1829, which prevented Roman Catholic bishops in Ireland from taking these titles, was sufficiently effective for all practical purposes there, and rendered the introduction of Ireland into this Bill entirely supererogatory. There would have been no difficulty in confining its operation to Great Britain. This would have avoided a great deal of suspicion, ill-will, and superfluous energy on the part of Irish Members. There was one consideration to which Roman Catholic Members should pay some attention. The number of English Roman Catholics bore an entirely different proportion compared with the new hierarchy from that borne by the Irish people to their hierarchy; and there was wanting in England that public opinion amongst the Roman Catholic laity which was very useful in modifying the pretensions and power of the priesthood. The Roman Catholic hierarchy in England need not be regarded as so entirely essential as in Ireland; but to attempt to limit the operations of any hierarchy, in Ireland or elsewhere, by saying that on certain subjects they should not assemble or discuss, would not only be extremely unjust, but totally impossible. Synodic action meant nothing more than a set of gentlemen, invested with certain powers, meeting together and agreeing upon certain subjects. How that could be prevented by law, he was unable to conceive. They might be driven to do in secret what otherwise they would have done openly; and if there were any danger, this would infinitely increase it. Much had been said about the Synod of Thurles: he believed that in no other assembly of the heads of any religious denomination in this country would there have been found so many advocates of secular education as had been found in the Synod of Thurles. He owned that this measure would in some degree affect the civil liberties of the people of this country; and on that ground it was essential that it should be founded on a broad basis. He could not bring himself to neglect entirely the opinions of his constituents, as was done by many hon. Members; and it was a curious phenomenon that those Members who appeared most to disregard the opinions of their constituents were the very Members who, on questions in which they happened to agree with their constituents, were continually referring to those opinions. Whenever he had felt it necessary to differ from his constituents, in declaring his own opinion he had always asserted theirs. After all, this was entirely a question of public opinion. He did not believe the Bill would satisfy the people of England, but it was all the Legislature could do, and all it ought to do, to satisfy them; to attempt more would be an entire delusion on the people. Suppose a measure were passed authorising the imprisonment or deportation of persons holding these offices under the Church of Rome. To say nothing of the extreme difficulty of obtaining a conviction where the sentence was so severe, the policy of the Court of Rome was such, that for every twelve bishops deported from the country, other twelve would present themselves. It was impossible to deal with this matter by violence; but with ostentatious titles prominently brought forward, they could and did deal. In this country titles were regarded very much as desirable things; in no country in the world were they so much thought of, or did they mean so much. How rarely did a man assume a title to which he had not a perfect right: hence they always carried with them a certain amount of regard and respect. The number of titles was very limited here; and our diplomatic servants were not allowed to receive any titles or honours from foreign sovereigns. The noble Lord the Secretary for Foreign Affairs had not been allowed to take the order of the Golden Fleece, the highest decoration of Europe, when it was offered him by Spain in gratitude for his services in establishing the constitutional government of that country; nor was the hon. Member for Youghal (Mr. Anstey) allowed to come down to that House decorated with the order of knighthood of St. Gregory. There was great difficulty connected with the question of a person holding the rank of Cardinal living in a Protestant country. He was a prince of a foreign State, and was treated as "cousin" by all the sovereigns of Europe; here, he was not acknowledged by his own sovereign; thus placing everybody about him in the difficult position of feeling that elsewhere he would be entitled to honours which usage and the law denied to him here. Therefore, in legislating on titles they were legislating in a great measure about things, and were in reality conferring a benefit on these prelates themselves. The open use of these titles would continually expose them to painful and disagreeable circumstances, in their relations with the people of this country; it was much better for themselves that the use of the titles should be confined to matters of courtesy amongst their own communion; for it was, in truth, the public opinion of the country which must decide this question at last. This Bill would not content that public opinion, for it went far beyond anything the Bill could do. Should the result be, as he feared it would, a partial practical abrogation of the Act of 1829, and the exclusion from Parliament of men of the highest merit, excellence, and distinction, on account of their religious opinions, the blame must rest on this untoward act of the Court of Rome, which, by unreasonably provoking the public opinion of this country, would go far to prevent all the good which the Act of 1829 contemplated. This was a result which he contemplated with great pain, believing that it was only by a fair representation of all opinions, religious or otherwise, that the national welfare could be secured. He would beg to remind them of the observation made by Sir Robert Peel, in his last speech against emancipation, that very little would be done to reconcile the Roman Catholics, if they were rendered eligible without being elected. It was not by this legislation, nor even by excluding Catholic Members from Parliament, that the progress of the Catholic religion could be resisted—that question lay far deeper, in other regions of thought and intelligence. He had no doubt as to the ultimate result of the contest; but it would continue long, and could only be won by the extension of education, by the universal assertion of truth, and by clearing away everything that obstructed the progress of the human mind. Let the people of England appeal to those influences, and be with them content; and should this result be hastened by the unfortunate act of the Pope, instead of regretting, they would have reason to rejoice in it.

MR. SADLEIR said, the hon. Member who had just sat down fell into merciful hands, for he was disposed to deal with him in a spirit of the fullest charity. The hon. Member, however, in proceeding to give his reasons for voting in favour of that Bill, relieved any person from the trouble of reply, for the hon. Member, during the course of his address, had fully answered himself. The hon. Member said there was hypocrisy in the declaration of allegiance made by the Roman Catholic Members; but, with that exception, his speech was free from that bitter invective, that wretched spirit of religious recrimination, which had given this debate the character of a most humiliating discussion, and which had pervaded the speeches in support of the Bill. The hon. Member admitted that there existed a latent hatred of Popery in this country. No doubt. But the hon. Member had adduced no reason for legislating against it; and that hatred of Catholicism arose from that dismal dark religious fanaticism which had always prevailed in England above all the nations of the world, and which formed the great practical obstacle to broad and enlightened legislation for a nation comprising Roman Catholic, Protestant, Presbyterian, and other forms of religion. The hon. Member laboured to establish that the letter of the Prime Minister was harmless; but the letter of the Prime Minister had given the religious excitement of the country a character, form, and spurious dignity it never could have attained otherwise. For the full and free development of the

Roman Catholic religion, according to the sound principles of religious liberty and toleration, the hierarchy was essentially necessary. The twenty-fourth section of the Emancipation Act did not prevent Roman Catholics in Ireland from assuming titles of sees. It was a piece of dead-letter legislation. Dr. Murray, from time to time, signed documents as "Daniel Murray, Archbishop of Dublin," in the face of that Act. The hon. Member seemed to find fault rather with the manner in which the rescript of the Pope had been published, than with the matter of it. The fact was, however, that no offence had been meant, or could have been meant, by the authors of the change. Who published the rescript? Cardinal Wiseman solemnly declared that he, for one, knew not how that letter reached the columns of the public press. He had never been charged with giving publicity to that document, on the publication of which had been based a religious agitation. But the documents had been eagerly caught up by the promoters of religious discord, and made the basis of a violent religious agitation. It was preposterous to say that the Holy See had attempted or pretended to confer, in any one particular, territorial power on the new hierarchy. The hon. Member, like all those who made assertions of that kind, had carefully avoided to prove such propositions, either by facts or by law. It mattered not whether the rescript came from the banks of the Thames or the Tiber, the Mississippi or the Mersey, the Shannon or the Seine. Was there a Roman Catholic in that House, in England, or in Ireland, who would not be foremost in resenting an insult to the Sovereign, or to repel any aggression attempted by any foreign prince or Pope whatever? Cardinal Wiseman, in the masterly appeal which he addressed to the country, had explained the circumstances under which his letter was written; and every one who knew him must be aware that he would be the last person to offer offence or provoke irritation amongst any portion of his countrymen. The hon. Gentleman said the Roman Catholics were too few and insignificant in this country to need a hierarchy; but let him recall for a moment the attention of the House to the real practical object of establishing that hierarchy. The vicars-apostolic were the immediate agents of the Pope, and it was to exchange their arbitrary spiritual rule for the regular government of bishops that the Roman Catholic community had wished for the establishment of a hierarchy. If their numbers were insignificant, they had the more need to be relieved from the servility to which the conduct of a bad Pope might expose them; for they knew perfectly well that there had been bad Popes, as well as men occupying the Papal chair who were distinguished among all nations for piety, genius, and benevolence. The spirit of independence was indigenous to England and Ireland; and it would be a mistake to suppose that the appointment of a hierarchy gave to the Roman Catholic body no greater security for their national church than the system of vicars-apostolic, who were the mere creatures and nominees of that person whom the noble Lord at the head of the Government would designate as a foreign Prince. The evidence of the late Dr. Doyle, Bishop of Kildare and Leighlin, a most learned and gifted prelate, in his evidence before the Parliamentary Committee of Inquiry into the Roman Catholic question, showed that Catholics would never allow their allegiance to their Sovereign to be interfered with by any foreign agency. Dr. Doyle stated that, in the event of a controversy arising between the Pope and the Sovereign of the united kingdom, the Roman Catholic bishops and clergy would exercise their spiritual authority by preaching to the people, and teaching them to oppose the Pope if he interfered with the temporal rights of their Sovereign. In answer to a question, if there was any difference between a bishop and vicar-apostolic, as regarded the obligation to publish a Papal rescript or mandate, Dr. Doyle said—

> "I should think there is a material difference, because the vicar-apostolic depends, as to the existence of his office, upon the will of the See of Rome. He can be removed from it at the good pleasure of the Pope; the faculties which he exercises can be restricted, or limited, or modified, just as the See of Rome may please. It is not so with us bishops; we cannot be removed; we have a title to our place, our rights are defined from the Gospel and the canon laws—defined as well as those of the Pope himself. We could not be obliged to do anything by the mere good-will or pleasure of Rome."

That was an independence which he (Mr. Sadleir) trusted would never be surrendered either by the laity or clergy of the Roman Catholic Church of Ireland; that was a real independence which had been conferred by the liberal act of Pius IX. upon the laity and clergy of England, and which he prayed might never be surrendered. The hon. Member had dwelt much upon the insignificant number of Roman Catholics in this realm; but he had never noticed the extraordinary emigration of Roman Catholics into this country from Ireland. He had, at any rate, referred to the celebrated letter of the noble Lord, and in that letter this emigration was distinctly alluded to. He must, however, in passing, make a remark upon that letter. The noble Lord said, that in no passage of it did he intend to insult the Roman Catholics of Ireland. If that were so, he (Mr. Sadleir) very much regretted that that declaration had not been made a week or ten days after the letter appeared. Although the noble Lord's intentions were so good, he had looked on while the letter had been used as a text by every intolerant bigot, and it had figured side by side with the irritating declaration of the meek and moderate prelates of England, in which they described the religion of the great majority of Christendom as being composed of "practices repugnant to the word of God, blasphemous fables, and dangerous deceits." That letter irrefragably proved the fact of a large Irish immigration into this country, and it was, among other reasons, for the benefit of those people, who had been charitably characterised by the First Minister as persons "steeped in heathen ignorance," that he wished to see the development of a hierarchy, so that they might possess the means of worshipping God according to the dictates of their conscience. He had received letters from men employed at railway stations in remote parts of the country, making complaints of their having been 12 and 15 weeks without being able to go to any place of worship, requesting him to endeavour to do something in their behalf, and offering to take half their present pay to be placed within reach of a place of religious worship which they could attend. It was, besides, an admitted fact, that there were millions in this country who adhered to no form of worship at all, and who attended no Christian minister whatever. Was it possible that there were Protestants in this country who did not wish to see the worthy clergy of both communions meet in a sacred and holy rivalry? Did they fear to see the clergy of the State Church encounter the test of a rival parochial clergy in this country? No Protestant who did could have any strong reliance upon the principles of his own religion. It was said that public opinion called for legislation on this question. Now there were, no doubt, troubled spirits to be found in most of the towns and hamlets of the kingdom, who chose to call themselves the people, and who called for the intervention of the Legislature; but he was proud to say that, both in this country and in Ireland, he knew many, including some Protestant clergymen, as sincerely attached to the principles of the Reformation as any Member of that House could possibly be, who looked with the utmost scorn and contempt at the whole of the hubbub which had taken place, and which for weeks had occupied the attention of that House. The hon. Gentleman complained much of the appointment of a Cardinal in this country. Now he (Mr. Sadleir) did not think that this outcry at the appointment of a Cardinal was at all called for; and he admitted that the language used in the Papal documents had been commented upon by many so as to excite the religious feelings and prejudices of the English people. If such documents were issued merely to cause irritation, he would condemn them, for he held that every man was bound so to shape his language and conduct as to defer as much as possible to the religious prejudices of his fellow-men. So far as the opinions of the people of England had been expressed against what they considered to be an aggression or an assumption, no one had a right to complain of them; they were entitled to respect; but he did complain that, in the absence of law, of facts, and of argument, many of the speeches made in that House contained matter better adapted to the audiences which generally filled conventicles, or to those who attended debating societies, than to the place in which those speeches were delivered. That was not the proper tribunal for controverted theology—that was no place for disputes on nice points of international law—that was not the place to argue or determine upon the construction of common or statute law. All the requisite paraphernalia were wanting; they had no big wigs, no minor wigs, and, more than all, no fees. The noble Lord at the head of the Government had stated that the Roman Catholics gave a blind obedience to the Pope. That was one of the hackneyed and battered calumnies that had been disposed of centuries ago, and he would not stop to refute it. The noble Lord had also stated that the Roman Catholic laity were opposed to the establishment of a hierarchy, and that they were desirous of his penal Bill to shield them from the tyranny and intolerance of their own clergy. Now, he called upon the noble Lord, or the hon. and learned Member for Windsor (Mr. Hatchell), who had not yet favoured them with his views on this subject, to give the slightest evidence of the existence of such sentiments on the part of the Catholic laity. He believed the contrary to be the fact. He believed that the Roman Catholics of this country, as freemen and as Englishmen, desired the establishment of a hierarchy among them. He felt convinced that, as a body, the Roman Catholics of England not only did not call for that Bill, but that they abhorred the principle upon which it proceeded. The Prime Minister intervened to keep the peace, as he said, between the Roman Catholic laity and their clergy; but he begged to say that no statesman ever committed a greater error than to use his influence in that House for the purpose of diminishing those feelings of attachment and fidelity that bound together the clergy and the laity of the Catholic Church in this country. The noble Lord said the restrictive clauses of the Act of 1829 were acceded to by the Catholic hierarchy of Ireland. No doubt they were, for they had no alternative but to accept the measure which was passed by the Legislature; and he maintained that the Protestants who passed that Bill, and the Catholics who accepted it, were alike bound to oppose the measure now introduced by the Government. Neither was the noble Lord justified in the slightest degree in representing the Synod of Thurles as an assembly chiefly convened for the purpose of thwarting legislation on the subject of education, and with the view of exciting hatred in the minds of the peasantry against their landlords, and in stigmatising Dr. Cullen as an Italian monk. It was of some importance that the English people should distinctly understand that the whole practice with reference to the appointment of bishops of the Roman Catholic Church in Ireland was regulated according to the documents he then held in his hand. In the documents treating of this matter—the selection of names to be transmitted to Rome upon occasion of any vacancy in any Roman Catholic see in Ireland—nothing was to be inserted implying election, postulation, or nomination, but simply recommendation; and the documents must be so conceived as from their tenour it should be manifest that it could be in no way inferred that any obligation rested on the Holy See to elect one of those who were so recommended. The practice was simply this—that on the death of a bishop in Ireland, in the course of a month or two after his decease, the Roman Catholic clergy of the diocese proceeded, under the presidency of a bishop of the province, to select three names to be recommended to the Holy See. It was also the practice of the bishops of the province then to consider the three names, and to express their opinion with reference to the respective merits of those individuals, and then the Holy See proceeded to nominate an ecclesiastic to the vacant see. On the death of Dr. Crolly, the predecessor of Dr. Cullen as Primate of all Ireland, the parochial clergy of the diocese of Armagh proceeded to select three names. The bishops of the province assembled to consult and express their opinion to the Holy See with reference to the merits of those three individuals. The bishops could not agree. They were as divided as the parochial clergy. That was a most unusual circumstance; and, under that unusual and extraordinary state of things, it was manifest that the course of duty pointed out to the Holy See was to make such a selection as would not give to any party an unseemly triumph, but one which would, at the same time, be in accordance with the national feeling, consistent with the preservation and independence of the national church, and most conducive to the cause of religion, charity, and education in Ireland. It would have been impossible to have taken greater pains than the Holy See did to ascertain what man was best adapted to superintend ecclesiastical affairs in Ireland. The Holy See did not fail to consult some of the most eminent members of the Roman Catholic Church in Ireland, and sound them as to their feelings on the subject. And who was the man selected by the Holy See, after the most painstaking consideration? Who was Dr. Cullen? Was the hon. and learned Gentleman justified in designating that divine as an Italian monk? Dr. Cullen had a larger, a more respectable, and a more influential circle of friends and relations in Ireland than any other member of the Roman Catholic hierarchy. After receiving his earliest education in the county of Kildare, he proceeded to the college at Carlow, and then went to the Continent, where he completed his theological studies. He was afterwards placed as President over the Irish College at Rome—an office always filled by some distinguished Irishman—and at the same time was the representative in Rome of the Roman Catholic hierarchy of Ireland. How improbable was it that that hierarchy, which had always evinced a justifiable jealousy of anything approaching to ecclesiastical aggression on the part of the Court of Rome, should have unanimously chosen an Italian monk to defend their interests, protect the independence of their national Church, and carry on in their behalf all those nice and delicate negotiations which from time to time arose between them on the one part, and the Court of Rome on the other? In selecting Dr. Cullen to fill the primatial chair, the Holy See had chosen one distinguished for great learning, great abilities, and an extraordinary aptitude for the administration of ecclesiastical affairs—one universally respected and beloved by the members of the Church over which he presides, and admired for the moderation and the firmness which he has displayed. With regard to the National System of Education in Ireland, in the same proportion as he felt anxious for its success, was his regret that the blundering of the Government should have failed to compose those differences, and allay those doubts, by reason of which those collegiate institutions had hitherto failed of being so successful and useful as they might have been. It was impossible for any Irishman who had personal knowledge of the great advantages derived by the Irish peasantry from the system of national education, not to feel most anxious for the extension of sound educational institutions in Ireland. When first the question of the Queen's Colleges was agitated in Ireland, the Roman Catholic bishops were divided upon the subject. How were those differences to be composed? Why, according to the constitution of the Roman Catholic Church, by an appeal to some superior authority. That appeal was to the See of Rome; and, after carefully weighing the reasons for and against the colleges, the Holy See gave its decision. The noble Lord would lead the House to infer that the synod had been assembled only for the purpose of considering the question of these colleges. But it had met for a very different purpose. The syllabus of subjects to be considered at their meeting contained twenty-nine or thirty heads, which were subdivided into a still greater number. As stated in the Pastoral of the Archbishop of Cashel, "they were met to uphold the true faith, and to promote uniformity of discipline." No question of a temporal nature entered into the consideration of the synod. It was true that the question of education was considered; but that question was of a mixed character, and it was the duty of the synod to consider it in its spiritual bearings. With regard to the allusions made in the address of the synod to the unparalleled sufferings of the poor, he would ask whether such an assembly could have dispersed without making some becoming allusion to the wretchedness and sufferings of the poor of Christ? Had they so dispersed, would they not have been disgraced in the eyes of the people of this country? The bishops, so far from inciting the poor to deeds of insubordination, had enjoined upon them that resignation which was the first principle of religion, and that temperate forbearance which it became them as Christians and citizens to exhibit. The Rev. Mr. Osborne had made stronger allusion to the sufferings of the Irish poor than the Synod of Thurles, and no one ever accused him of wishing to promote hatred between landlord and tenant. The reference made to the subject was not stronger than that contained in the address which the Roman Catholic bishops of Ireland presented to Lord Clarendon, praying him, as the representative of the Government, to take into his anxious consideration the sufferings of the poor in Ireland. They were not rebuked on that occasion, and Lord Clarendon said he held it to be the first duty of a Government to save the lives of the people. Now, one word to his hon. and learned Friend (the Attorney General for Ireland) with reference to the Bill. His hon. and learned Friend knew as well as any man in that House, that as a practical measure, to be executed and enforced in a *bonâ fide* spirit, it was of paramount importance to Ireland. Comparatively speaking, it was of little importance as regarded the English Roman Catholics whether the Bill was acted upon or not. But, as regarded Ireland, it was a measure that would have to encounter the resistance and the indignation of the whole people. It was there that the force, the efficacy, the soundness of principle, and the justice of this measure, would be most severely tested. Now, he appealed to his hon. and learned Friend to give his attention while he read the opinion of Mr. O'Hagan, Queen's Counsel in Ireland, on the first clause of the Bill as originally presented to the House:—

"As I understand the discipline of the Roman

Catholic Church in Ireland, the provisions of this Bill, if rigidly carried into execution, would be wholly inconsistent with the free action and practical existence of the Catholic hierarchy. It forbids the 'assumption or use of the name, style, or title of archbishop, or bishop, or dean of any city, town, or place, or of any territory or district (under any designation or description whatever), in the United Kingdom,' by any other persons than the archbishops, bishops, and deans of the Established Church, and proposes to inflict on the persons offending by such use or assumption, a penalty of 100*l.* Now, the Catholic prelates of Ireland are not bishops *in partibus*—are not vicars-apostolic—but members of an episcopate, regulated by the settled law of the Roman Catholic Church, which requires that each bishop should be the bishop of a particular see in Ireland, and have a peculiar local jurisdiction. According to that discipline, each of them has his own local title, and must use it in discharging the functions of his office. If the contemplated enactment take effect, he cannot discharge those functions as his predecessors have ever discharged them, and as the constitution of his order requires them to be discharged. When he is consecrated as an Irish Catholic bishop, he assumes a local title; when he ordains a priest, he assumes a local title; when he appoints to a parish, he assumes a local title; and these assumptions he makes in simple accordance with the ordinary discipline of his religion. With that discipline this measure directly conflicts, and its policy cannot prevail unless the system of ecclesiastical government which has subsisted for ages in the Catholic Church of Ireland be essentially changed, and its hierarchy undergo a virtual abolition. Such appears to me to be the probable effect of the first clause of the Bill, if it be enacted and enforced."

That opinion has been corroborated by the opinions of other eminent counsel of the Irish Bar; among them were Mr. Scully and Mr. Close, men who had carefully and anxiously considered the question. He appealed to the Attorney General for Ireland as a constitutional lawyer, if the assumption of titles by the Roman Catholic hierarchy can be safely or justly declared to be null and void in Ireland? He protested against the recitals of the preamble of this Bill, which, incorporated with the first and now only section, would give that section a potency and operation which it would not otherwise have, and entitle the statute to be ranked with those measures which had been aptly described by Burke as the ferocious acts of faction. He protested against the Bill as tyrannical, unnecessary, heartless, intolerant—despotic. He denounced it as a retrospective measure, unworthy alike of the spirit of the present age, and the foregone history of the men who had introduced it. It would spread the flames of religious discord throughout Ireland, and paralyse the best efforts of the best men to regenerate and disenthral that ill-fated land. Whether it became of practical effect, or was left a dead letter, it would equally excite the contempt of the people for the laws of Parliament; it would oppress the Roman Catholics, who, from their rapidly increasing political and social influence, ought to be conciliated; it would drive into the arms of America and of other foreign States the most valuable of the Irish population still left in the country; and he would resist it, because he believed if it were placed upon the Statute-book it would but tend to prolong, in 1851, that state which had been described by a great living historian, when he said "that Ireland was cursed by the domination of race over race, and of religion over religion, remaining, indeed, a member of the empire, but still a withered and distorted member, adding no strength to the body politic, and pointed to reproachfully by all who feared, or envied, the greatness and influence of England."

Mr. HENRY BERKELEY observed, that it was with very great pain that he felt himself compelled, upon the present occasion, to separate himself from the Irish Members. It had been his happiness to be associated with them for many years. He was sensible of their valuable services to the cause of civil and religious liberty, and he hoped they would do him the justice to admit that they had always had his humble but sincere co-operation. He was also sorry to think that he should have to go into a different lobby from his hon. Friends of the Manchester school, who followed the leading of his experienced Friend the Member for Montrose. He was pained to think that he should be severed from persons for whose intelligence, and capacity, and character, he had so unfeigned a respect; but it was consolatory to him to reflect that, upon this question, he had the masses and the millions at his back, to whom they so constantly referred. He looked upon the Pope's edict as an aggression on the supremacy of the Queen, both in Her spiritual and Her temporal capacity, and, as such, he, an Englishman and a Protestant, was prepared to resent it. He considered that an Act of Parliament on the subject was necessary to express the opinion of the people of England, and to prevent the recurrence of the offence. The measure was of light construction—that seemed to him an advantage; it contained no jot of religious restriction, and nothing like persecution. He did not believe that the open aggressions of the Pope, or the overt attacks of the English Catholics, were to be seriously dreaded, and he, therefore, was of opinion that the measure, light as it was, would be quite sufficient for its purpose. The noble Lord at the head of the Government had steered clear of the bigotry of Exeter Hall, and had equally avoided the *dolce far niente* of the right hon. Baronet the Member for Ripon: he realised the old adage, *In medio tutissimus ibis.* It seemed to him that the Church of Rome had been waiting for the last ten years with open mouth, expecting that the Church of England would drop into it like an over-ripe apple. The Pope, in the hope of accelerating what he believed to be an inevitable occurrence, had undertaken to shake the tree, but with no other effect than to bring down the unripe fruit upon his own head. The Pope, after all, had ample cause to exult in this hope, from the state of the Church of England. Much indignation had been expended upon that infallible personage and his hierarchy, who had only acted after their kind, and as it was to be expected that, under the circumstances, they should. There were two words which were now more frequently vexed than any others throughout England—they were Puseyism and Popery. The former was the more unpopular of the two, because every one knew that the Papal aggression was to be attributed to Puseyism. The people of England looked upon Puseyism as occupying the same position to Popery as the grub to the butterfly. They considered it to be the chrysalis of Popery, which had nothing to do but to cast off its skin, expand its wings, and become Popery complete. From the extracts which the noble Lord the Member for Bath had read the other night from the writings of Cardinal Wiseman, and which might be termed "Wiseman upon Puseyism," it was evident that his Eminence contemplated an union of the Churches of England and Rome in the year 1841. The Cardinal then spoke with enthusiasm of the predilections which the members of Oxford University had manifested for the rites and ceremonies of the Roman Catholic religion. He gloried in their increasing love—for what? For popes and saints; and he perfectly revelled in the anticipation that the Church of England, forsaking her errors, would take refuge in the arms of the Church of Rome. So he thought and wrote in 1841; and what conclusion must he have arrived at after ten years' contemplation of the increasing symptoms of the disease? Had he not during that period seen Puseyite parsons going by droves over to the faith of Rome, and the introduction into Protestant churches of the rites and ceremonies of the Roman Catholic religion? Had he not seen charity and mercy masquerading the streets in the costume of that church; and had he not seen that wherever the Puseyite fungi had grown up, those liturgies which had been heretofore known by the homely name of Morning and Evening Services, were denominated *Matins* and *Vespers?* This they all knew to be true in London; and he (Mr. Berkeley) was aware that it was also true in Bristol, Manchester, and Liverpool. Under these circumstances, was it to be wondered at that the Pope should have conceived the hope that the Church of England was about to forsake her errors and go over to Rome? The Archbishop of Canterbury, under similar circumstances, would have come to the same conclusion as the Pope. Suppose tidings had reached Lambeth Palace, that in the adjacent Catholic Cathedral of St. George, the candlesticks had been removed, that the fonts of holy water had run dry, that the acolyes had ceased to wave their censers, that the mysterious bell had ceased to ring at the offertory, that the priests had put away their splendid vestments, and adopted the simple surplice—the Archbishop of Canterbury would at once have concluded that the Cardinal was fast approaching the Church of England; and could he be blamed if he put forth his holy crook, and seizing the Cardinal by one of his red legs, had endeavoured to pull him into his own sheepfold? The boastful exultation with which the Roman Catholic hierarchy received the intelligence of the Pope's aggression, was a proof of the importance attached to it, and scarcely less remarkable than the precipitancy with which they assumed the tone of humble apology when they found that there was no serious intention on the part of the English people to embrace the faith of Rome. At first the tidings were hailed as an occasion for solemn prayer and songs of jubilation; and Dr. Ullathorne, using language which from the lips of Protestants would have sounded very like blasphemy, said that "Christ had burst a second time from the tomb." But no sooner was it evident that the country rose in its strength, indignant at the insolent step that had been taken, than Cardinal Wiseman changed his tone to that of deprecation and apology, and uttered the most severe sarcasms against those members of the English Church whom he had at one time hoped to have locked within his fraternal embrace. In that there was nothing to be dreaded; but there was great danger to be apprehended when they found the holy men of each religion enfolded in each other's arms. There was nothing to be dreaded, but, on the contrary, much to be commended, when they saw an archbishop and a cardinal tilting at each other with their respective crooks. But it was far from wholesome to read in the papers that the Bishop of Exeter had been on a domiciliary visit to a fair devotee in the west of England, who keeps a kind of Protestant nunnery on the most approved Roman Catholic principles, and to hear of his exhortations, his pious ejaculations, his approbation and admiration of "y^e lady superior," as she was called, when they found that Bishop surrounded by his beads, and rosaries, and crosses, and other symbols of the Church of Rome—then, indeed, was danger to be apprehended to the Church of England from the perfidy of her sons. The great distinction between the Protestant and Roman Catholic religions was, that the laity of the Protestant religion supervised the affairs of the Church, whereas the Catholics left everything to their priests. The Protestants of England would not be content with this Bill, unless it was followed up by some other measure. They would expect the noble Lord to act up to the spirit of his letter, and they called with one voice for a reform in the Church of England. The reform he desired was a simple one. They should give to the Protestant a defined rubric and ritual, and make it penal for any clergyman to endeavour to engraft the ceremonies and doctrines of any strange church whatever on the ritual and rubric of the Church of England. For advocating this measure he had the authority of a divine who was eminent for his learning and his piety—the Rev. Dr. Elliott, Dean of Bristol—a clergyman whose promotion to that office had been a subject of unmixed satisfaction to the Protestants of Bristol, on behalf of whom he begged to tender to the noble Lord the Member for London his thanks for giving them a divine so imbued with the spirit of Protestantism. Dr. Elliott, at a great public meeting, said it was the duty of the laity to stand forth and see that the clergy did their duty, and he made use of this remarkable expression—"Let the clergy of all denominations understand that they are not the lords of God's heritage." This was the time when Protestants ought to do nothing that was ambiguous; and yet the present was just the time when the Bishop of Exeter was most irregular, and might be seen engaged in suspicious practices; when the Bishop of Gloucester and Bristol was *tanquam suspectus;* and the Bishop of London, too, was not *suspicione major.* This was the moment to call upon the noble Lord at the head of the Government to act up to his letter, by giving them a salutary reform of the Church of England. He thought the Bill of the noble Lord was sufficient for the purposes it aimed at, and he would give it his support. The hon. Member then thanked the House for its courtesy in giving him their attention, and said he would merely add, that he could not help at that moment being attracted by the golden legend emblazoned on the Royal arms emblazoned above the Speaker's chair—*Dieu et mon droit.* Surely this was a time when hon. Members, laying aside party differences, might well respond to the appeal of the Minister of the Crown, when he called upon them to stand by their Queen, in the name of God and Her right.

Sir JOHN YOUNG said, that the hon. Member who had just sat down had stated that the measure of the Government was supported by the millions of England; and he was not prepared to deny that it was supported by many intelligent persons in this country; but how did that argument apply to the country with which he was connected, where it was opposed by the millions of Roman Catholics? and with regard to the other great bodies, the Presbyterians and the other Protestants of Ireland, whose loyalty could not be doubted, let the House consider for a moment what their opinions were. The hon. Gentleman near him, in a maiden speech a few evenings previously, said that the province of Ulster was unanimously in favour of the measure. That might be; but nothing that had reached him could lead him to the belief that that statement was well founded. With regard to the organs of public opinion in that province, he found that the representative of the opinions of the Presbyterians—a paper of high commercial character and respectability in Belfast, and the representative of the Protestant democracy of Ulster, had both declared against the present legislation.

There had been a large meeting in the town of Belfast of noblemen and gentlemen who had struggled against the Emancipation Bill of 1829, who told the Protestants of Belfast that the same ruin was impending over the people of England that had for many years afflicted the Protestants of Ireland. But, notwithstanding there were 50,000 or 60,000 Protestants in and about Belfast, the room in which the meeting was held was not at any time half full. It was to be observed that the petitions emanating from the Presbyterians were always drawn up as from the ministers, elders, and congregations of such a place; but it so happened that not a single petition had been presented in favour of the measure from a Presbyterian congregation of the province of Ulster. He believed the general opinion among that class—and it was coincided in by many Protestants—was this, they looked not with favour, but with dislike and suspicion, on the step that had been taken by Cardinal Wiseman, or those by whom he was instigated; but they looked with apprehension at the consequences of the present agitation, and were by no means in favour of it. His opinion of the step was, *factum valeat, fieri non debet.* With regard to the measure itself, he could not look upon it as a measure of necessity, or as likely to be anything but mischievous and irritating. As it came originally from the brain of its author, it could scarcely be looked upon as any addition to those safeguards which the energies of the people and the wisdom of Parliament had raised around their liberties. Instead of being a defence, he believed it would be a breach in those liberties, to which a vast multitude of the people were opposed. Any measure which did not extinguish the spirit of opposition was sure to call forth further opposition, and would lead to further acts of repression. It was impossible to expect that the present measure would be effectual to extinguish opposition; he was unwilling to go further, and say it might lead to rebellion. If the measure was right, the fear of opposition should not of course prevent them passing it; but if it were not justified by necessity, then the attempt to enforce it would be found to lead to useless and exciting contests in endless and exhausting succession. That was a greater danger than could be apprehended to their liberties. They had been told that the doctrines of the Roman Catholic Church were still the same—that none of them were abandoned. He dared to say that if any of the Protestants of that country went to a Roman Catholic ecclesiastic or a Roman Catholic layman, and said that the spirit of that religion was altered, and its doctrines modified, that they would take it as anything but a compliment. What the Roman Catholic religion boasted of, was the infallibility of her maxims, the unchangeableness of her doctrines, and the inflexibleness of her dogmas. What step, then, he asked, ought they to adopt to meet that ever-inflexible opponent? It was not by measures of restriction—it was not by penal laws. It was by the cultivation of the arts and the intellect, and by reinforcing those institutions by which the conscience would be protected, and under which that country had grown up to the maturity and greatness at which she had arrived. What Protestantism boasted of was, that it was open, and that it appealed to the intelligence and reason of the human race. Her strength lay in free discussion; and where there was free debate and the liberty of the press, religious liberty was safe. The danger which the hon. and learned Member for the city of Oxford apprehended, and which he foreshadowed, was the conversion of multitudes of Protestants to the tenets of the Roman Catholic Church, and their alliance with some despotic Power in the State. The hon. and learned Gentleman referred to a state of things that existed three centuries ago, and which he had no doubt proved fatal to the liberties of the people in many parts of Europe. The noble Lord, in the course of his speech, had pronounced a high eulogium on a writer with whom he (Sir J. Young) was personally unacquainted, but whose works he had perused with pleasure, and had quoted his opinions on that point. He begged also to refer to the opinions of Sir James Mackintosh, who said, that two religions, it was believed, were no more reconcileable than two governments in a country; and that recent events had demonstrated that men could not be taught to throw off the power of the priests without determining also the limits of kingly authority. Surely that fallacy had long been exploded. It had been found that two religions could flourish side by side, not only with advantage to each other, but with perfect safety to the State. The danger was the union of despotic power, apprehensive of its own safety, with ecclesiastical authority, alike alarmed for its existence. That was the danger when Alva put to death heretics, as well as rebels, in the Low Countries. The hon. Member for Oxford said, that he had no fear for the Protestant Church—meaning that those who were attached to it were so from principle, conviction, and education; but then, he asked, supposing there was no fear, what became of the danger of which they had heard so much? If the people did not waver, Papacy was powerless—its power was only exercised over those who submitted to it. Then, again, with regard to the despotic power of the State, foreign countries had been referred to in favour of this legislation. But they should consider what were the peculiar circumstances of those countries. In Spain, before he could tread out the first spark of nascent reformation, Philip II. was obliged to take away the charters and immunities of the corporate towns; and, even in the Italian States, its principles prevailed, until they fell under the dominion of single individuals. In Holland, under free institutions, and complete toleration, the Reformation triumphed. In England, under free institutions, but without complete toleration, they all knew what the result had been. What was the lesson they ought to derive from this? Surely it was this, that, so long as they maintained free institutions, the rights of conscience would be respected. On these grounds mainly he rested his opposition to the measure. He believed that the Legislature, in taking this measure in hand, was going beyond its proper province. What appeared to him to be their duty, was, to maintain in dignity and respect the Established Church, and then to afford to all who dissented from its doctrines complete toleration. He believed that toleration was as essential to the safety of the Established Church as it was in accordance with its doctrines. The noble Lord told them, that if they did not pass the present measure, they would find themselves at the commencement of an arduous struggle. He hoped the concessions and alterations that had been made in the measure ten days ago would be a sufficient salvo to the honour of Dr. Wiseman, to induce him to recede, and give the country peace. He trusted that would be so, as he deprecated the continuance of such a contest—than which nothing could be more dangerous to the prosperity of the country. If he thought the measure was right or just, no fear of agitation or opposition would prevent him giving it his support. But he said, let those upon whom the heat and burden of the contest would fall, weigh all the consequences before they began it. In England, where the vast majority were Protestants, the contest might be light; but in Ireland the case was different: let the Protestants there, therefore, from their experience of the past, reckon up what might be the consequences in the future. Look at the struggle that had been maintained against the Roman Catholics in that country for nearly a century and a half. Every power of the State had been put in motion; and he ventured to say, that history did not record a more signal defeat than that of trying to coerce the Catholics of Ireland into a similar belief with the Protestants of England. The industrious classes in Ireland had been ruined by that struggle, and the very name and spirit of the Protestant religion was lost. Bishops had amassed large fortunes; but no glebehouses were built, and the sound of the gospel was not heard in the churches. Relatively, the number of Protestants was smaller at the close than at the commencement of the struggle. The Church was obliged to submit to the loss of half its property under the tithe arrangement; while the people were deprived of ten of their bishops. Such were the results of the struggle; and he warned the Protestants of Ireland not to enter upon another. Upon these grounds, he must withhold his support from the noble Lord. Although he had heard a great deal of ability in support of the measure, the justice appeared to him very dubious. Although he did not doubt that the measure was brought forward in all honour and good faith, at the same time, instead of adding strength to the cause it professed to advocate, it would bring weakness, and be an infringement of that complete toleration which, in his conscience, he believed, by being scrupulously acted upon, and firmly maintained, would do more for the cause of true religion and the spread of spiritual truth, than all the defences that alarm could suggest, and all the safeguards which misguided but sincere enthusiasm could throw around it.

Mr. GRATTAN said, he quite concurred in most of the observations that had fallen from his hon. Friend who represented the county of Cavan. He (Mr. Grattan) looked upon the struggle now going on between the Government and the Catholics as a war in disguise—and the worst kind of war, inasmuch as it was sought to be carried on against his Catholic fellow-countrymen under cover of an unjustifiable Act of Parliament. Already had the vituperation begun out of doors. The clergy and the universities had led the way. The language he had heard and read on the subject, made him fancy that the ghost of Dr. Duigenan had revisited the earth, or that Sir Richard Musgrave was renewing his attacks. But this contest was not unintelligible to people outside the House of Commons. They had expressed their opinion that this struggle was at an end. He could understand people outside of the House asking at the commencement of this debate what subject was being discussed within—he could understand a foreigner inquiring if it was science, or art, or religion? To all such interrogatories the reply must be "No;" and great must such a person's amazement be if he were told that the Parliament of England were merely abusing the religion of their fathers. He (Mr. Grattan) had heard in the course of this debate more affected knowledge of the canon law, more misapplication of the civil law, and more confusion of intellect, than had ever been exhibited during the memorable struggles in that House which preceded Catholic Emancipation. One hon. Member, in the course of this debate, had said that the Irish Members had the honour of presenting the greatest amount of opposition to this Bill. "The Irish Brigade" resisted the Bill on their own behalf and on that of their countrymen. The hon. and learned Member for Bath had said that the "Irish Brigade" had caused the death of the Prime Minister; but that was not the fact. The noble Lord had, by bringing in this Bill, committed political suicide. The Irish Members resisted the Bill with indignation, and they had a right to do so, for what had Ireland done that she should be included in such a measure? The statement in the very first line of the Bill was a public and monstrous falsehood. It spoke of the assumption of titles in the United Kingdom. Was that true? Hon. Members must know it was a direct falsehood. The Irish had not assumed those titles. It was done in England but not in Ireland, and, therefore, not in the United Kingdom. Were they then, to stultify themselves by passing an Act, the preamble of which contained a public falsehood? What were the Irish to do? If Catholic bishops in Ireland assumed the titles of real sees, they were to be fined; if they assumed the titles of pretended sees, they came under the penalty inflicted by this Bill: in either case they would be under a penalty. Was that common sense or common justice? It had been said in the course of the debate that this Bill, if passed into a law, would not be enforced; but that was not the case. The Act would be enforced. The noble Lord at the head of the Government had clearly intimated that this Bill was only the prelude to ulterior measures. He (Mr. Grattan) said again, this was a war, and a war in disguise. Did the House believe that they could make people less Roman Catholic by this Bill? No such thing. They were Catholics, and Catholics they would remain, and the House could not change them by the operation of such a Bill as the one now proposed. What right had a Parliament to say you shall not have Catholic bishops? Was not the religion of every man his own? By continuing this agitation, the House was not only involving itself in a contest with the Court of Rome, but with the people of Ireland also—a contest which would be prejudicial to England, and most pernicious to Ireland. In France the attempt had been equally unfortunate. If we were to get rid of the Pope in Ireland, he hoped there was to be some better substitute than Socialism or regal decapitation, and some better change than the substitution of the writings of such men as Dumas, Michelet, and Louis Blanc, for those of Massillon, Fénelon, and Bossuet, the lights of a former age.

The hon. Gentleman then quoted the evidence of Dr. Doyle to show that the bishops would be less under the control of the Pope than the vicars-apostolic. He heard in these days a great deal about Protestant ascendancy, which brought to his recollection some memorable words of Curran. Speaking of Protestant ascendancy, Curran, on one occasion said—

> "I have before me the greasy emblem of stall-fed theology, with the graces of a lady's-maid and the dignity of the larder—its loyalty the dregs of its patron's bottle, and its religion the dregs of its patron's understanding—brought into Ireland to devour, defame, and degrade."

The hon. and learned Member for the city of Oxford entered into the question of allegiance, and hinted that policemen and soldiers might possibly be absolved from their allegiance through the intervention of Catholic ecclesiastics. That was the very thing that should have been kept a secret during such a debate as this, assuming that it might possibly result in a more serious struggle. What would the Duke of Wellington have said, if, when, at Waterloo, he gave the word of command, "Up, Guards, and at them," his men, acting on such a suggestion as that, had coolly laid down their arms? The hon. Member for the University of Oxford said, there were two ways of repelling this aggression—one was by proclamation, and the other by bombardment. As to proclamations, had not the people of Ireland had proclamations *ad nauseam?* Why were the objects of those proclamations names and not places? The hon. Baronet's next proposition was bombardment; he wanted to bombard the Papal States, standing with one foot on Ancona, and the other on Civita Vecchia, like the Maid of Saragossa, and do as much mischief. That would be no legislation against Papal aggression here, whatever injury it might inflict on the Pope in Italy. The hon. Baronet, the man of peace, the grave, respectable, moral character, came forward not to declare war, but to carry war, by way of revenging the recent rescript of the Pope. Then the noble Lord the Member for Bath would make a declaration not against the Pope, but against the Roman Catholic religion. He (Mr. Grattan) had never heard a more bitter or more bigoted speech than that of the noble Lord. The noble Lord said he hated and abhorred the Roman Catholic religion. He (Mr. Grattan) could not see why any man should "abhor" the religion followed by another, or the man who followed it. And the words were not used unintentionally in the heat of debate, for the noble Lord followed them up by expressing his disapprobation that Catholic priests were met with in the streets in clerical dresses with white bands round their necks—perhaps the noble Lord would like to substitute a band of another kind. But did not the Roman Catholics meet clerical gentlemen, especially in the neighbourhood of that House, dressed up in black silk stockings, black silk petticoat, and broad-brimmed hat, every day—and did they complain that they were thereby offended? The noble Lord, like Haman, was jealous of this Mordecai who sat in the gate, and whom he would have removed; but times might change, and the gallows sixty-feet high, which the noble Lord would erect to hang the Mordecai who offended him, might be found an inconvenient thing for the Haman who had provided it. The noble Lord next made an attack on his (Mr. Grattan's) friend, Dr. Cullen, and in doing so he had never fallen into a greater mistake. The noble Lord stated that Dr. Cullen had settled the question at the Synod of Thurles against the Government system of education by his casting vote. Dr. Cullen did no such thing. He (Mr. Grattan) regretted that the Catholics of Ireland had not adopted the system of mixed education, as proposed; but, with regard to the casting vote of Dr. Cullen, the synod did not meet till 1850, whereas the question of the colleges was settled in 1847. Dr. Cullen came over to Ireland in 1849, and in 1847 the Roman Catholic bishops of Ireland received a rescript from Rome, condemning the system of the new colleges. But what was the difficulty in regard to those mixed colleges? The Roman Catholics had no objection to send their children to be educated, provided the education was not made the means of conversion. They held that the attempt to convert their children under the pretence of educating was tyranny. Did the hon. and learned Attorney General for Ireland know what was now going on in the west of Ireland? There, a body of men were employed going about from house to house with tracts—there were tractarians in Ireland as well as in England—and the business of these persons was to traduce and malign the Catholic religion. Their mode of making converts was this—they found out people who were in distress, and gave them a dinner, provided they changed their religion. This was the reason of the opposition to the Queen's Colleges. One of his own people had been led away in this manner; and he had himself known a case in which a Protestant clergyman had flourished a Bible in his hand, while he exclaimed, "This is the book which will show you that you are all going to the devil." It was stated that public feeling was strongly in favour of this Bill; but this was not the case, for if they would refer to the number of petitions which had been presented for and against the Bill, they would find that the total number of petitioners in favour of the Bill was only 198,000, whilst those against it were 500,000. Some hon. Gentlemen were for a more stringent measure—they would have all the terrors of *præmunire* brought to bear against the aggression; but did they not know that the *præmunire* was of no more worth than a piece of blank paper? For, whatever might be said to the contrary, it was a matter of fact that the Pope had had intercourse both with the Crown and the Government of this country in times when religious liberty was not so advanced as at the present. Look at the letters that had passed in 1792 between his Holiness and Lord Grenville and George III. on the subject of the Irish oaths. Yes, and their admirals and generals held communication at the same time with the Government of the Pope; witness Admiral Hood's letters. The right hon. Baronet the Member for Ripon had referred the other night to the letter of Mr. Knox to Lord Castlereagh. He (Mr. Grattan) might by the way observe, that on reading through that work from which the right hon. Baronet had quoted that letter, he was struck with the fact that whatever might have been the local prejudices of Lord Castlereagh, his correspondence showed that on great occasions he rose above those prejudices, and was equal to any task, however great, that might arise before him. In that book, however, there was a letter from Lord Cornwallis to Lord Castlereagh, dated February, 1800, in which he took credit, so sure was he of the result, as for a *fait accompli*, for having accomplished the Union, Catholic emancipation, and the restoration of perfect tranquillity in Ireland. Lord Cornwallis, though thus sanguine, was, however, disappointed —faith was broken with him, and the peace of Ireland was not maintained. So it would be again if they persevered in their present course; war, inevitable war, would be the consequence. In 1792, while Lord Portarlington was complaining in the Irish House of Commons that the Catholics were not grateful for all that had been done for them, and were fostering sedition, the Prime Minister was in communication with the Pope, and notwithstanding the Act of *præmunire*, received a letter of thanks from the Vatican for his care of the interests of the Holy See and of the Irish people; and he believed that if the secrets of Downing-street were exposed, it would be found that the Minister had often been in communication with the Pope. It was manifest from the tenor of the documents received from the Holy See in the time of George the Third, that the appointment of the Roman Catholic bishops rested with the Pope; and yet, although we paid Her Majesty's Ministers for telling the truth, had they told the people of England the truth in the matter of the appointment of Cardinal Wiseman and his colleagues? It moreover appeared from the documents to which he referred, that the canons and discipline by which the Roman Catholic Church was governed, were the same now as they had existed in all times and in all parts of the world, and as they had been laid down by the Council of Trent. If it were not so dark, he should like to survey the pallid cheeks of Her Majesty's Ministers, in order to see whether he had not succeeded in raising a blush. In the time of George III., the incomes of the Irish Roman Catholic archbishops and bishops ranged from 400*l.* down to 140*l.* per annum; whereas the archbishops and bishops of the Established Church in Ireland divided many thousands of pounds annually among them. He contended that legislation of the kind now under consideration was a farce; he, however, prayed the House to take care that they did not turn it into a tragedy. Let them bear in mind the proceedings which had taken place in Ireland in 1801, when a meeting was held at the Castle on the subject of Catholic emancipation. The parties who dined together on that occasion were Lord Kilwarden, Lord Donoughmore, Lord Hutchinson, and Dr. Brown, the latter of whom had voted for the Union, and lived long enough to repent bitterly of his conduct. On that occasion the Irish Secretary wrote as follows:—

> "Some disloyal symptoms have appeared at the Theatre; the men in the galleries are very uproarious; they clap for Buonaparte."

He feared that if this Bill were passed, disloyal symptoms would again be evoked; that the men in the galleries would be heard clapping for Mitchell and O'Brien, and that the language of the poet would be quoted:

> "A high gallows on a windy day,
> For little John to swing away."

He entreated hon. Members to recollect that Lord Castlereagh, as the representative of the King, had promised the Irish people Catholic emancipation as the means of restoring public tranquillity. That promise, however, was not fulfilled by the English Minister until thirty years afterwards, and therefore the compact made with the Irish people at the period of the Union had virtually been destroyed. He had a great many authorities on this point, but he should forbear from quoting them; he should simply state their substance. Before doing so, however, he wished to notice a remark made by one hon. Member, to the effect that the Act of Catholic Emancipation must be repealed, forgetting that, if that Act were repealed, there would not be a war in disguise merely, but a war in reality. When Canning was told to re-fortify the constitution, he said the chief business of the Legislature should be, to prevent the outworks from being sapped and undermined. Swift was of opinion that the Roman Catholics, after having suffered so much from the rebellion against Cromwell, ought not to be made partners in the loss which had resulted. He (Mr. Grattan) wished to prevent his fellow-countrymen from getting rid of England altogether. [*Cries of* "Divide!"] He knew that after a debate of six nights' duration, his speech must be tiresome, but he warned the House that if they passed this Bill, 40,000 armed men could not maintain peace in Ireland. [*Laughter.*] Gentlemen might laugh if they pleased, but in the evidence given before the Committee on Tenant Right, Colonel Handcock was asked what amount of men it would require to put down the movement, and he said, "I do not think that all Her Majesty's Army would be able to put down the Protestants of the north of Ireland;" and he (Mr. Grattan) said it with great respect, that all Her Majesty's troops would not be able to put down the Roman Catholics of Ireland, numbering as they did 6,000,000. The noble Lord at the head of the Government had referred to a Henry Grattan, who had once had a seat in that House. A comparison between the two Henry Grattans would not be appropriate; but he could tell the noble Lord that though Ursa Major was gone, Ursa Minor was still left; and as Ursa Minor had a tongue (he would not say teeth, for he did not wish to lacerate the noble Lord more than the noble Lord had lacerated himself), the Government and the House should hear what his (Mr. Grattan's) opinions were. The noble Lord had referred to illustrious names, hoping that the connexion of his own with these would save him from disgrace; but it had been suggested that the noble Lord should appeal to the living. The name of Plunkett had been mentioned; but he (Mr. Grattan) advised the noble Lord not to refer to that quarter. He did not deserve a character, and he would not get it. The Catholics of the south were loud in the expressions of their opposition to this measure; and as the Protestants of the north were becoming daily more in earnest on the question of tenant right, he warned the House not to trifle with the people.

Mr. GRANTLEY BERKELEY did not rise to incumber the debate with any argument on any topic immediately before it. He repeated, he would attempt no fresh arguments in an exhausted discussion. He simply rose to repudiate a most unwarrantable attack which had been made a few nights ago, in that House, upon the Roman Catholic faith—an attack which he held to be most disgraceful to that House. He rose, as an indignant Protestant, to repudiate emphatically such aid as had been offered to their glorious Protestant cause by the hon. Member for West Surrey. He maintained that the speech spoken by that hon. Member was a disgrace to any cause that was ever brought under the deliberation of any assembly. Let the House for a moment inquire if that was a pure vessel from which such a stream of religious vituperation had been poured. Let the House understand whether that bird of ill omen, which had attempted to foul the nests of others, did not himself reside in a nest which would not bear being looked into. When the hon. Member for West Surrey delivered the unworthy attack upon the Roman Catholics of the United Kingdom, he ought to have been perfectly certain that he himself did not reside in a glass house. The hon. Member accused the Roman Catholics of idolatry and of bigotry, and taunted them with their belief in alleged most ridiculous, miracles. Now, had the hon. Member himself never expressed a faith in supernatural agencies? Had the hon. Member never confessed a belief in the ghost which haunted Albury Park? Had the hon. Member never believed—perhaps because of the multiplication of mirrors in the rooms—that ghosts haunted his own mansion? Had not the hon. Member, in his belief of a ghost, gone the length of pulling down several of the old apartments? [*Cries of* "Question!"] He was speaking to the question—at all events, quite as much as the hon. Member for West Surrey had spoken to the question. The hon. Member for West Surrey was the last person that should read the Roman Catholics of the United Kingdom a lecture on superstition. ["Question!"] If he were to be interrupted, he must adjourn the debate. Had they not heard of the haunted house where there were the golden knife and cord? The attack made by the hon. Gentleman the Member for West Surrey against the Roman Catholics, was as false as anything could be. If he (Mr. Berkeley) voted for the measure before the House, it would be simply on principle, not because he thought the measure efficient or competent to cope with the difficulty against which it was directed, but because he thought some legislation was due to the Protestant religion in this country.

VISCOUNT CASTLEREAGH had no wish to put himself forward in the debate, as he had nothing new to suggest; but he felt himself bound to express his opinions on the subject, that his constituents might know what they were, and his reasons for entertaining them. In any observation that he should make, however, he deprecated the slightest feeling of asperity or unkindness, and would not willingly say a word to wound the feelings of any one. To his Roman Catholic fellow-countrymen he would say, that, as far as religion was concerned, he could have no sympathy with them. There was a great gulf between them, which could not be bridged over. He had too firm an attachment to the pure and apostolic branch of the Catholic Church in which he had been reared, to entertain any such sympathy. But while he respected the convictions of his fellow-countrymen, at the same time that he differed from them, he could hold out the right hand of fellowship, and refer to the time when, within the walls of that House, he had fought with them side by side in defence of religious liberty. Mindful of the legacy left him by the great statesman whose name he unworthily bore, he was now proud to stand side by side with his Roman Catholic fellow-countrymen on the same platform—the floor of that House—in defence of civil and religious liberty. It was with sentiments of gratitude he had heard that night, from one bearing the name of Grattan, justice done to the memory of Lord Castlereagh, in the acknowledgment that that eminent statesman had been the friend of civil and religious liberty. With regard to the Bill before the House, the noble Secretary for Foreign Affairs expressed his surprise that any one could object to it, it being, he said, so small a measure. The noble Lord, however, was hardly a fair judge of that. The people of Ireland viewed it with feelings of great indignation. The House at first was anxious for a strong measure; but now it seemed disposed to accept anything. The voice of the whole people of Ireland were against the Bill, and surely the Government could not be blind to what was going on in the House—they could not be blind to the manner in which the name of the noble Lord at the head of the Government was received in Ireland—they could not have lost sight of the demonstration made by the bar of Ireland, or of the public meetings that had been held in every quarter of the country. The measure appeared to him to satisfy no one; and there were circumstances connected with the mode of passing this Bill which rendered it peculiarly obnoxious to the people of Ireland. It was proposed by a Government which was kept in office solely and entirely for the purpose of carrying this measure. The Bill, taken in connexion with the position of the Ministry, was what the French would call the reactionary policy of a transition Ministry. The noble Lord, when taunted with leaving office, told the House that he had remained at the helm of affairs during the Irish famine and rebellion; but he could tell the noble Lord that if Catholic emancipation had not been granted some years previously, he would not have been able to govern Ireland. The language which had been used in that House in support of the Bill was greatly to be deplored. The way in which the people of Ireland had been spoken of—the whole tone and temper of the debate, were reasons why this vapid, ill-considered measure, should never have been proposed. What was the reason for passing the Bill? Simply that it was necessary to satisfy the Protestant prejudices of the people of England. But he warned them to beware of legislating simply upon that ground. They had long ago had experience of the effects of penal legislation in Ireland. It appeared to him that if this Bill passed, no Roman Catholic would venture to take office under the Government, no public functionary would venture to institute a prosecution under it in Ireland. He would beg to recall the attention of the House to the words of that distinguished man, Lord Brougham, who, with reference to penal enactments in Ireland, said—

> "Ireland, with all those blessings which Providence has so profusely showered into her lap, has been under our stewardship for the last 120 years; but our solicitude for her has appeared only in those hours of danger when we apprehended the possibility of her joining our enemies; or when, having no enemy abroad to contend with, she raised her standard, perhaps in despair, and we trembled for our own existence. It cannot be denied that the sole object of England has been to render Ireland a safe neighbour. The greatest mockery of all, the most intolerable insult, the course of pe-

culiar exasperation against which I chiefly caution the House, is the undertaking to cure the distress under which she labours by anything in the shape of new penal enactments. It is in those enactments alone that we have ever shown our liberality to Ireland. She has received penal laws from the hands of England almost as plentifully as she has received blessings from the hands of Providence. What have these laws done? Checked her violence, but not stifled it. The grievance remaining perpetual, the complaint can only be postponed. We may load her with chains, but in doing so we shall not better her condition; by coercion we may goad her on to fury, but by coercion we shall never break her spirit. She will rise up and break the fetters we impose, and arm herself for deadly violence with the fragments."

Upon this subject another great authority, now, alas! no longer amongst us (Sir Robert Peel), said March 5th, 1829:—

> "I should implore any Government to pause before it enters upon the task of withdrawing from the Irish Roman Catholics privileges already granted. We cannot replace the Roman Catholics in the position in which we found them when the system of relaxation and indulgence began. We have given them the opportunities of acquiring education, wealth, and power. We have removed, with our hands, the seal from the vessel in which a mighty spirit was enclosed; but it will not, like the genius in the fable, return within its narrow confines to gratify our curiosity, and enable us to cast it back into the obscurity from which we evoked it. If we begin to recede, there is no limit which we can assign to our recession. We shall occasion a violent reaction—violent in proportion to the hopes that have been repeatedly excited. It must be coerced by new rigours, provoking in their turn fresh resistance. The re-enactment of the penal laws, even if practicable, would not suffice. The trial by jury must be abolished; at least the Roman Catholic must be incapacitated from serving as a juror. What would be the ultimate issue of this contest? A more marked separation of the people of Ireland into distinct and mutually hostile classes; a more complete monopoly of every civil right and franchise for the Protestant — unmixed and unqualified degradation for the Catholic." — [2 *Hansard*, xx., 747.]

He would not longer detain the House. He had only to say that, convinced as he was of the impolicy of this measure, convinced that this country would not be satisfied with it, and that it would only irritate, annoy, and disturb the people of Ireland, he would not consent that his humble name should be found among the supporters of the measure.

Mr. A. J. B. HOPE would detain the House a very short time. Under ordinary circumstances, he would not have again addressed the House, after speaking on a former stage; but the whole history of this Bill had been so abnormal as to justify deviation from common rules. In all the speeches delivered in favour of the Bill, hon. Members had been confused between the different views of the case, and had either praised it for being operative or inoperative. Many hon. Members commenced with an enumeration of the horrors of Romanism, and then sliding into praises of the Bill before the House, as just the thing—not too strong, not too stringent, but the precise remedy to check the progress of such a fearful thing as Roman Catholicism with an 100*l.* penalty. He was willing to allow, for the sake of argument, that the Pope had insulted us; but how was the insult proposed to be met? If there was any insult connected with what was called Papal aggression, the insult had come from the Pope, and not from the bishops—they were comparatively innocent parties. They must recollect, that if the Pope imposed any duty on the bishops, they were bound by their allegiance to him to carry it out. The country had lately been occupied with the barbarous law which gave pecuniary compensation for insults. He wished to call attention to the recommendations of the Divorce Commission on this head. The Bill before the House was an improvement upon that principle, for it inflicted the fine upon another and an innocent party. Again, the Bill was meant as a standing reprisal for an insult. Suppose, then, that for some reason an *entente cordiale* with Rome became necessary, would not Rome, or the more powerful nations that might be fighting behind and supporting Rome, say, we cannot enter into this *entente cordiale* so long as you have an Act on your Statute-book, which is a standing reprisal for what you consider an insult, that Act being in itself, therefore, an insult to us? Then, in what an absurd position this legislation would place the country, unable to stultify itself by repealing that Act—unable in consequence of it to enter into desirable diplomatic relations? All this confusion would arise from our not having treated a diplomatic and international question according to the fixed rules by which such questions are treated. But suppose the Bill were meant to be operative, how miserably would it meet the proposed expulsion and extermination of Romanism. This, however, was what many of the petitions prayed for—one, for example, by a clergyman, praised by the hon. Member for North Warwickshire in his erudite and polyglot speech — Dr. M'Caul, who prayed that the great Exhibition might be postponed till England had been freed from a disgrace greater than any since the days of King John. These petitioners, absurd as their prayer was, were therefore a lesson to the House — they knew what they would do. To justify the first step towards the smallest instalment of persecution, Acts of Parliament were quoted of the time of Elizabeth, when England was but a small country, bounded by Scotland, then under Roman Catholic authority—by St. George's Channel, by the German ocean, and by the British Channel; and the policy and Acts of Parliament of that time were brought forward gravely to justify the policy now of this country, which had colonised America, which had colonised Australia, which was spreading over Polynesia, and had almost encircled the whole world with the great Anglo-Saxon race. Yet this great Anglo-Saxon race, which was spreading civilisation and science throughout the world, fearlessly holding the doctrine of toleration, was to be perilled, because they could not bear the organisation of a body of Roman Catholics in England! He would say nothing offensive to his Roman Catholic fellow-countrymen; but he thought grave errors existed in their religion; at the same time they were numerically the largest bulk of those who bore the Christian name. The hon. Member for North Warwickshire had had the courage to appeal to Prussia about the persecution of some Bishop of Magdeburgh. Did that hon. Member forget that there had been a year 1848, when this selfish vexatious system, this Government-made religion, had almost produced a fearful crash? Having opposed legislation on the measure before the Bill was on the table of the House—having been prepared to oppose the three clauses which have since been removed from the Bill, he was now prepared to oppose the one clause remaining as a petty measure—a measure disgraceful to the magnanimity of this country—inconsistent with its true policy, discreditable to the civilisation of the Anglo-Saxon race, and at variance with the system of toleration, of which, whether we liked it or not, we had laid the foundation, and which we must follow up if we did not wish to be the lowest of nations—a nation dealing in expediency, fruitful in shams, and sterile of those great principles of policy which ought to guide any great nation.

Mr. HOBHOUSE moved the adjournment of the debate.

Lord J. RUSSELL, said, hon. Members must feel that the debate had been carried on a sufficient time to enable the House to come to a decision. He found that twenty-six Members had spoken against the Bill, and twenty-two Members for it. They had heard the ablest arguments which could, he thought, be urged against further proceedings with the measure. He thought, if six days' debate were added to those which had been already gone through, they could not have more able arguments. He did trust, therefore, that if there were any hon. Gentlemen who wished further to address the House, that they would be heard now.

Mr. MOORE would take the liberty of calling the noble Lord's attention to the great number of Members who still wished to speak. In the noble Lord's estimate, perhaps he had forgotten that the representatives of Ireland had occupied but a very small portion. They had not occupied above five or six hours of the whole debate, and many Irish Members no doubt wished to speak. The House would recollect that at least twelve or thirteen hours had been occupied in support of the Bill; and the Irish Members having occupied so small a portion of time, he thought they had a right to an adjournment.

Mr. SCULLY begged to remind the House that the measure was one affecting the interests of 7,000,000 of Her Majesty's Roman Catholic subjects in this kingdom. There were some thirty-five or forty Catholic Members in that House, only seven of whom had spoken on the question; and he thought that was a sufficient reason for a further adjournment of the debate. The question was one which affected the Roman Catholics only, and they should therefore have the fullest opportunity afforded them of stating their opinions and arguments, before the House came to any decision. He thought it most desirable for the interests of the people of Ireland that the measure should be fully discussed; and the Government would be acting most wisely if they did not press the House to a division upon the Bill that evening.

Sir G. GREY said, it appeared from the record kept at the table, that fourteen Irish Members had addressed the House upon this subject; and the time they had occupied, instead of being only 5 or 6 hours, had been 11½ hours. But the question was not what time they had occupied.

He would appeal to the House whether the question had not been fully discussed? Other opportunities would present themselves, when hon. Members who had not yet had an opportunity of addressing the House would be able to state their opinions fully upon the subject. A strong and reasonable desire had been expressed that the House should proceed with other business; but it was impossible to do so while this debate was hanging over; and therefore he trusted that the House would now come to a decision upon the second reading.

MR. OSWALD had no wish unnecessarily to prolong the debate; but, as this Bill affected Scotland, and only one single Member for that part of the United Kingdom had addressed the House during the discussion, he was anxious to hear from some of the Scotch representatives who sat behind the Treasury bench their reasons for desiring that the measure should be extended to Scotland, where there had been no Papal aggression, and where the whole state of the case was very different from what it was in England.

MR. M. O'CONNELL said, they had been told by the right hon. Baronet the Home Secretary that which they knew very well, and of which they were determined to avail themselves, that those hon. Members who had not yet spoken would have opportunities of doing so on other stages of the measure. He had risen two or three times during the progress of the debate, but he had not been fortunate enough to catch the Speaker's eye, and he, as an Irish Roman Catholic Member, claimed his right to be heard. [*Cries of* "Go on!"] He would not—he would not address such a jaded audience at that hour of the night (half-past twelve), for if he were to do so he would neither do his duty to himself nor to the House. He did not think the Irish Members, particularly the Roman Catholic Members and those representing Roman Catholics, ought to bate one inch of any ground they could fight upon this question. He believed the Irish Members were with him upon that point, and if the noble Lord chose to try a division, or ten divisions, upon the question of adjourment, he would be met upon every one of them.

The EARL of ARUNDEL and SURREY said, he agreed with the noble Lord at the head of the Government, that it was desirable that this debate should be brought to a close as soon as possible; but, at the same time, he must call on the noble Lord to remember the great excitement that prevailed upon this subject, not only among hon. Members, but also throughout the country, and that out of thirty-seven Irish Roman Catholic Members, only seven had as yet spoken. When, too, the noble Lord considered the feeling that prevailed just now in the Irish constituencies, on the subject of this Bill, the noble Lord ought not to be surprised that the Roman Catholic Members from Ireland should be anxious to show that they represented the sentiments of those who sent them to that House, and who were so excited on this question. He could assure the noble Lord that there was a great desire, on the part of many hon. Members, to deliver their sentiments on this subject. He trusted, therefore, that he would not persevere in dividing the House against the Motion for the adjournment of the debate.

LORD J. RUSSELL said, that when the noble Lord appealed to him not to divide against the adjournment of the debate, it seemed to him (Lord J. Russell) that there was but little chance of their coming very soon to that result which the noble Lord had himself admitted, and he (Lord J. Russell) agreed with the noble Lord was most desirable. He must remind the noble Lord that there were several notices of one kind or other on the paper, which it was desirable should be considered; and as the seven Irish Roman Catholic Members who had spoken, had taken six nights to do it in, if the remaining thirty were also to speak, he knew not when the debate would terminate.

MR. REYNOLDS begged to remind the House that the adjournment of the debate had been moved by an English, and not an Irish, Member; and that though the noble Lord had counted forty-eight Members who had spoken upon this subject, those who were opposed to this Bill had not been charged, up to that hour, with having offered any factious opposition to the measure. ["Oh, oh!"] He repeated that phrase. Now, the course that should be pursued that night would have the effect of deciding whether the Bill was to receive a factious opposition for the future. The principle of the Bill was to be discussed on the second reading. Let him, then, remind the House, that many Irish Members, themselves anxious to speak on this question, and yet equally anxious to hear the sentiments of English Members upon it, had given them the precedence in the debate. But, without recurring to all those who were anxious to speak, or whom they were desirous to hear, let him remind the House that the right hon. Gentleman the Member for the University of Oxford was expected to speak on this subject. Let him remind the House that an hon. Gentleman, professing the creed of the people who were to be coerced by this legislation, the hon. and learned Member for Athlone, was expected to be heard upon it. Let him also remind the House that an hon. and learned Gentleman the Member for Windsor, and Attorney General for Ireland —he ought rather to say, the right hon. and learned Member—had not yet spoken. Let him remind the House, too, that the right hon. Baronet the Member for Drogheda, and Secretary for Ireland, had not yet delivered his sentiments on this subject. Let him remind the House that the hon. Member for the West Riding of York had not yet spoken. Let him remind the House that neither the right hon. Member for Manchester, nor his hon. Colleague, had yet addressed it; and that there was also an eloquent Lord of the Treasury of his own religion, the hon. Member for Louth, who had not yet spoken; and last, though not least, let him barely insinuate that it was just possible that an honourable, eloquent, and influential Gentleman, the leader of a powerful party in that House, the hon. Member for Buckinghamshire, would speak upon that question. He had frequently listened with pleasure to the hon. Gentleman on other subjects, far from being so interesting to an Irishman and a Roman Catholic as the present one, and he should much like to draw him out on this occasion. But, passing from those whom, without intending offence, he would call minor stars—whose name was legion—let him ask the noble Lord who had counted hours against the opponents of this Bill, and who had, in so doing, been assisted by the right hon. Baronet near him, who said there were fourteen Irish Members who had spoken, and that they had occupied, not five hours and a half, but eleven hours—let him ask the noble Lord if they were now to be told that, on that account, when they were endeavouring to shield themselves against oppression and insult, they were to be forced to a division at half-past twelve o'clock, at the end of the first half-hour of the day. Let him, too, remind the noble Lord, who pursued this matter with such railroad rapidity, of this fact, that the delay that had occurred had compelled him, through shame, to expunge the second and third clauses of the Bill. He wished to impress on the mind of the noble Lord, and of hon. Members, that the Roman Catholic Members were not thirty-seven; but that, with five English Gentlemen of that persuasion in the House, they numbered forty-two. ["No, no!"] Yes, he believed he was right; and that of that number, only seven had yet spoken on this stage of the Bill—that they were discussing and combating a Bill which they were determined to oppose by every constitutional means; and that, if driven to a factious course, it would add another item to those debits, not easily written off, which were to be placed to the account of the noble Lord, and not to theirs.

Motion made, and Question put, "That the debate be now adjourned."

The House divided:—Ayes 64; Noes 414: Majority 350.

MR. M. O'CONNELL moved that the House "do now adjourn."

MR. J. O'CONNELL seconded the Motion.

Motion made, and Question proposed, "That this House do now adjourn."

LORD J. RUSSELL said, that the hon. Members who had just spoken seemed to be anxious to have the glory of conducting a factious opposition; but he saw no reason why the House should indulge them in that desire. The House had, by a majority of 414 against 64, very clearly pronounced that whatever might be the disposition of speakers to go on speaking, the listeners were quite satisfied. Having said this much, and declared his entire satisfaction with the expression of opinion which the House had just made, he would only add, that, as the debate had continued so long, he would not now oppose its adjournment till a later period of this day. [*Cries of* "Adjourn till Twelve o'clock."] As there seemed to be a general feeling in favour of an adjournment till Twelve o'clock, he would propose that the House should adjourn to that hour.

MR. J. O'CONNELL would withdraw his Motion, on the understanding that the House should adjourn till Five, the usual hour.

Motion, by leave, *withdrawn.*

LORD J. RUSSELL then moved the adjournment till Twelve o'clock.

Motion made, and Question proposed. "That the debate be adjourned till Twelve of the clock To-morrow."

MR. J. O'CONNELL moved as an

Amendment, that the House do adjourn till the usual hour, Five o'clock.

Amendment proposed, to leave out the words "Twelve of the clock," and insert the words "Five of the clock," instead thereof.

COLONEL RAWDON hoped that the hon. Member for the city of Limerick would not persist in his Amendment. He had made this request, having been one of those who voted in the minority; and he had voted in the minority on the ground that this was the first time that a great question affecting the religion of the Roman Catholics had been mooted in that House since the Roman Catholics had seats there. He could not be accused of anything like factious conduct, when he stated that his intention was to vote for the second reading of the Bill. At the same time he thought it important that the entire Roman Catholic Members of the House should, if they wished it, be enabled to express their opinions on the Bill before the House, especially after the extraordinary expressions that had fallen in the debate, and more particularly from the hon. Member for West Surrey, on a point in the Roman Catholic religion on which they must be peculiarly sensitive; and these expressions, although apologised for, he was sorry to say had not been retracted. He therefore thought it but just—but courteous as Gentlemen at all events—that Roman Catholic Members should have an opportunity of defending themselves, and repelling these charges. He did hope, therefore, that the hon. Member for the city of Limerick would withdraw his Amendment, and allow the noble Lord to fix the hour of Twelve, as a full opportunity would, by that means, be accorded to every hon. Member who wished to address the House.

MR. MOORE did think it important that a question of this kind should not have the appearance of heat or haste. He was quite sure that it should not have the appearance of being forced unduly through the House. They should proceed in the usual way.

MR. O'FLAHERTY said, that it was then past one o'clock, and yet the Irish Roman Catholic Members were called upon to be there at Twelve o'clock to discuss a Bill which affected them so vitally. It was thus they were treated when their religion and their country were at stake.

MR. LAWLESS said, that a great mistake was made by the noble Lord when he called the opposition now offered to his Bill a factious opposition. There were sixty-four Members who had voted against the adjournment, and the half of them, at least, wished to speak on this stage of the Bill. He asserted that it was not allowing fair play to the opponents of the Bill thus to prevent them giving expression to their sentiments.

Question put, "That the words 'Twelve of the clock' stand part of the Question."

The House divided:—Ayes 306; Noes 43: Majority 263.

Question again proposed, "That the Debate be adjourned till Twelve of the clock To-morrow."

MR. KEOGH thought that, upon a fair examination of the time which had been occupied, not only by the Irish Members, but by the Roman Catholic Members, who were peculiarly interested in this question, it would not be found that they had occupied an unreasonable time. On looking at a statement which had that evening been furnished to hon. Members, he found that those hon. Gentlemen who had spoken in favour of the Bill had occupied a much longer time than those who had spoken against it. He therefore put it to the noble Lord at the head of the Government, whether it was reasonable or fair that, this Debate having lasted till half-past one o'clock, they should be called upon to meet again, in hot haste, at Twelve o'clock that morning, as if this were a Coercion Bill which the noble Lord was anxious to press. He (Mr. Keogh) had assisted the noble Lord in carrying measures when the necessities of the country demanded speed; but considering that the right hon. Member for the University of Oxford, and the hon. and learned Member for Abingdon, were expected to speak upon this question, and, not at all speaking in a jocular spirit, he might also add the name of the right hon. and learned Gentleman the Member for Windsor, as likely to speak—indeed, as the first Irish law officer of the Crown, the Irish Members had a right to demand the benefit of the legal opinion of the right hon. Gentleman; and in these circumstances he would venture to submit that the Motion of the noble Lord ought not to be agreed to.

MR. M. O'CONNELL said, he had consented to withdraw his Motion, on the understanding that the debate should not be resumed until the usual evening sitting this day. He regretted that an advantage had been taken of the course to which he had consented. The noble Lord had accused his brother, the hon. Member for the city of Limerick, and himself, as parties to a factious opposition to the progress of this measure.

Lord J. RUSSELL: The hon. Member did not quite understand me. I understood the hon. Member for the city of Dublin to say, that unless the Debate was adjourned, he intended to make a factious opposition. The hon. Member might have said that he intended to propose the adjournment, but that he did not consider that conduct to be factious. With regard to what has been said by the hon. and learned Member for Athlone, I may observe that I merely desire that the Debate should be proceeded with this evening. From a statement which was made to me, in the course of debate, I was induced to believe that it was the intention of the hon. Gentlemen to bring on their Motions this evening, so that the adjourned Debate should not come on. However, if it is understood that the Debate shall have precedence of other business, I have no objection to the House not meeting till the usual hour.

Mr. REYNOLDS said, the noble Lord was mistaken in supposing that he could be a party to a factious opposition. He begged also to state that the party with whom he acted had determined not to obstruct by a factious opposition the second reading of this Bill.

Motion, by leave, withdrawn; Debate further adjourned till Five of the clock Tomorrow.

DESIGNS ACT EXTENSION BILL.

Order for Second Reading read.

The ATTORNEY GENERAL moved the Second Reading of this Bill, for the purpose of having it printed.

Colonel SIBTHORP would oppose the Motion. It was a Bill for the aggrandisement of foreigners at the expense of Englishmen. The Exhibition Commissioners had cut down enough of trees in Hyde Park to hang the whole lot of them.

Mr. LABOUCHERE hoped the hon. and gallant Member would not insist in opposing this Bill. Everybody must agree that it was desirable to give adequate protection to designs intended for the Exhibition against piracy. The Bill had been referred to a Select Committee in the Lords, and all the law Lords had approved of it. He, therefore, hoped there would be no objection to the second reading of the Bill.

Mr. NEWDEGATE wished to know if the Bill gave the same protection to the designs of English manufacturers as to those of foreigners?

Mr. LABOUCHERE said, the Bill gave protection equally to all persons exhibiting, whether English or foreigners. He had received many applications from manufacturers in various parts of the country in favour of the Bill.

Mr. NEWDEGATE wanted to know whether English exhibitors were to be protected from piracy in foreign countries?

Mr. LABOUCHERE had no doubt but in the event of any similar exhibition being attempted by any other country, full protection would be secured to English exhibitors by foreign Governments.

Mr. Alderman SIDNEY said, there was no security to the English manufacturer that foreigners who visited the Exhibition might not pirate his goods when they returned to their own country.

The ATTORNEY GENERAL said, it must be obvious that protection could only be given in this country by any Bill which Parliament could pass; but the present measure gave equal protection to all, whether natives or foreigners.

Mr. WESTHEAD thought the Bill was of great importance to a large portion of the industrial classes in this country; and therefore he hoped the second reading would be proceeded with. Any objections to the details of the Bill could be fully discussed hereafter.

Bill read 2°, and committed for Wednesday.

The House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, March 25, 1851.

Minutes.] Public Bill. — 1^a Consolidated Fund.

THE CHURCH OF ENGLAND IN THE COLONIES.

The Bishop of OXFORD said, he had a question to put to the noble Earl the Secretary of State for the Colonies upon a subject which occupied the attention of their Lordships last Session—he meant the legal *status* of the Church of England in the Colonies of the British empire. The noble Earl undertook, when the matter was then brought before their Lordships, to institute an inquiry with the view of preparing matters for such action as the result of that inquiry might show to be needful. He wished to ask the noble Earl whether, during the course of the recess, he had been able to make any such inquiry? He believed he should find that the noble Earl had been waiting for the result of a certain synod or gathering of the bishops of the English Church throughout the Australian Colonies. If that were so, he thought it was a good and sufficient ground for waiting, in so far as inquiry on the spot in the Colonies was concerned; but it appeared to him that there was a very important separate inquiry which it was very desirable should be made at home; he alluded to the inquiry as to what was the legal *status* of the Church in the Colonies, and in how far the statutory restrictions which applied to the Church at home applied to the Church there—a question about which their Lordships expressed considerable difference of opinion in the course of last Session—because, whatever might be the result of the meeting of the colonial bishops, the question to which he referred would be no further advanced—unless the Government was prepared to say how far those statutes did or did not apply to the Colonies, and what was really the legal *status* of the Church of England in the Colonies, respecting which complaints had been made. It would, therefore, be a great solace to himself and to many others to know that, at all events, the attention of the noble Earl had been directed to the question without waiting for returns from Australia.

EARL GREY said, that the question put by the right rev. Prelate was one which he should have some difficulty in answering, in consequence of want of sufficient information on the subject. The position of the Church of England in the British Colonies was undoubtedly a subject of vast importance. At the same time he had to remark, that from no one of the Colonies had any complaint reached him from the members of that Church with respect to any grievances under which they laboured, which were not capable of being removed by the colonial Legislatures. In the course of the debate which took place last year, he took the liberty of expressing his opinion, that, upon points on which the colonial Legislatures were competent to act, it was highly inexpedient for Parliament to interfere. Now, it had so happened, as he had said, that neither the prelates nor the members of the Church of England in any of the Colonies had brought under the attention of Her Majesty's Government any grievance of any kind under which they were at present labouring, which was not capable of being removed by such colonial legislation. It was quite true that various questions, rather of a theoretical than of a practical nature, were suggested in the debate of last year, but no practical measure was pointed out as desirable to adopt. That being the state of things, when, in consequence of the promise he had given in the course of the debate referred to, he came to look into the subject during the recess, the difficulty which he found was this—that he did not know to what particular points to address himself; he did not know what extension of power or privilege to the Church of England was really desirable or required. He could find no measure pointed out as necessary or required in the Colonies; neither could he perceive, by a careful reference to the records of the proceedings of both Houses of Parliament, any distinct point upon which Parliamentary legislation had been suggested. Under these circumstances, and finding likewise that the position of the Church was very different in different Colonies, in consequence of the different legislation of each colony, it appeared to him that, if anything was to be done, the first step they should take was to institute an inquiry in the different groups of colonies as to what was the real position of the Church there, and what alterations it might be expedient to make. He had prepared during the recess a despatch to the Governor of New South Wales—which was the colony where grievances were principally complained of—instructing him to appoint a commission, including the prelates of the Church of England in the Colonies as members of that commission, for the purpose of inquiry; but while the mode of conveying those instructions was under his consideration, intelligence was received in this country—not in an official shape certainly, but still in a shape which left no doubt of the accuracy of the information—that the subject of the condition of the Church of England in the Colonies was already under the consideration of the prelates of the Church on the spot—that a meeting of the Australian prelates was to take place at Sydney for the purpose of considering that very point. Under those circumstances, he certainly thought that as the meeting of the bishops at Sydney could not fail to throw much light on the subject, it would be inexpedient to send out any instructions for a further inquiry until he knew what was the result of the inquiry that was going on.

Such was the present condition of the question. Certainly it did not appear to him that any advantage at the present moment could arise in this country from an inquiry into what seemed to him a speculative question of law, which was in no manner a practical question, as to the operation of certain statutes in the Colonies. As far as he could form an opinion, it appeared to him that in the Colonies those statutes were in no respect operative, and he thought that the meeting which had been adverted to proved that they were not considered as operative there. As in the course of a short time the result of that meeting would be known in this country, it appeared to him, and he was happy to say that the most rev. Prelate (the Archbishop of Canterbury) concurred with him in thinking, that he ought to postpone taking any further step at present.

LORD MONTEAGLE said, that great anxiety was felt on the subject of the validity of marriages effected in the Colonies before any person except a clergyman of episcopal ordination. There was great doubt whether Scotch marriages, for instance, performed in presence of a minister of the Church of Scotland, was valid in the Colonies. He wished to know from the noble Earl whether any inquiry was in progress with respect to marriages generally in the Colonies, and if so, whether the result would be laid before Parliament?

EARL GREY said, that having received no notice of the noble Lord's intention to ask this question, he was afraid he could not give him a very clear answer. He rather believed that some inquiry was in progress with respect to the effect in this country of marriages celebrated in the Colonies—not as a colonial question, but as affecting the position of persons in this country. As a question purely affecting the Colonies, he took it that it was a subject which the colonial Legislatures had ample power to deal with. If they had not, he was persuaded that the Legislature of New South Wales would have brought the subject under the notice of Her Majesty's Government by an address to the Crown; but no such address had been received, nor had a complaint of any sort been received from the colony of New South Wales with respect to any imperial law being required.

LORD CAMPBELL had no doubt the colonial Legislatures had power to deal with the subject, and that a good marriage in a colony was valid all over the world. Still he thought it would be better if there were an imperial law providing a uniform mode of celebrating marriage all over the British empire, and that it should not be left to the different colonies to legislate for themselves on the subject.

EARL GREY entirely differed from the noble Lord on this subject. Considering that the marriage law was different in England, Ireland, and Scotland— [LORD CAMPBELL: Not in England and Ireland.] Yes, the common law was the same in England and Ireland, but the statute law was different, there being nothing analogous to marriages before the Registrar in Ireland. Considering, then, the differences of the marriage law among ourselves, and considering especially the varied circumstances of our numerous colonies, to sweep away the mass of legislation in forty different colonies, and to establish a uniform system, to be carried out by the agency of officers who did not exist in many of the colonies, was a mode of proceeding which he would certainly not recommend their Lordships to adopt. He believed that the law of marriage depended for its efficiency upon the fact of its being adapted to the state of society in the particular country where it existed. It appeared to him that of all the subjects in the world which might most properly and fitly be left for the internal legislation of the several colonies, this was the one, and he hoped that no imperial legislation upon it would be attempted.

The BISHOP of OXFORD was sorry to say that the answer which the noble Earl had returned to his question had not at all removed his difficulties, and that he considered it very unsatisfactory. It seemed to him to throw the question back to the point where it stood before the discussion of last Session. At the beginning of last Session the noble Lord made the same statement he had made that night—that no special grievance had been brought under the notice of Government. That led him (the Bishop of Oxford) to point out to the noble Lord that, so far from that being the case, the Bishop of Van Diemen's Land had sent his archdeacon all the way to this country to press the grievances of the colonial Church upon the attention of Government. He (the Bishop of Oxford) also pointed out that to apply to a Church situated as that in the Colonies was, with none of the advantages of an Establishment, all those restrictions which bound the free agency of the Church at home, was felt to be a great evil in the Colonies, and that one of the evils was, that it forced the bishops, in spite of themselves, to act in cases of discipline as absolute autocrats without the forms of law, because by acting otherwise they would run the risk of being tried for libel. It was admitted by the Government on that occasion that he had established a case of grievance, and he was told that if he left the matter in their hands an inquiry would be made. When the noble Earl talked of the grievances being purely speculative, he would remind him that in the debate on the Australian Colonies, he (the Bishop of Oxford) proposed the introduction of a particular clause to give the members of the Church of England the power of acting freely of themselves, and that he had only withdrawn it because he considered it difficult to say how far the statutes did or did not apply in that case, and because he was too glad to have the Government in a friendly spirit to take up the matter as a subject for inquiry, or, if necessary, of future legislation. But when the noble Earl now said that the matter was a purely speculative one; that if there was any practical grievance the colonial Legislatures could provide a remedy for themselves; and that he considered the fact of the bishops meeting in synod as proving that the statutes did not operate in the Colonies, the matter was thrown back as far as ever. But the meeting of the bishops was not a synodical meeting, legally speaking. It was not a meeting for adapting the rules of the Church to the necessities of their infant state. It was merely a meeting for taking friendly counsel as individuals with each other. And while it was right to wait until the result of that meeting was known, he had hoped that the noble Earl would have brought before the law officers of the Crown the question how far the imperial statutes which applied to the Church at home were applicable to the Colonies—in which case the colonial Legislatures were not free to deal with it—or whether they were free from those statutes, and had power to adapt the machinery of the Church to their new position.

Earl GREY said, that the right rev. Prelate had misunderstood him. He had never said that there were no grievances complained of by members of the Church in the Colonies; or that they were grievances merely speculative. What he said was, that no grievance had been brought under his notice from the Colonies which was not capable of being removed by colonial legislation. It was quite true that the Bishop of Tasmania had mentioned a series of embarrassments and difficulties to which he was exposed in consequence of the state of the law preventing him from conducting certain inquiries into the conduct of his clergy; but he had not even suggested that those difficulties were such as that the colonial Legislature could not remove them. What he stated was, that the colonial Legislature was indisposed to give the Church the necessary powers. If that was the real feeling of the population of the country—if they, from an ill-conceived jealousy, it might be, of the Church of England, believed that the difficulties complained of could not be removed without giving undue preference to the members of the Church of England over other Churches—if this feeling was so strong, even before a representative Legislature was established, and with a Legislature consisting principally of persons named by the Crown, or, in great measure, of persons holding office under the Crown—if even such a Legislature was indisposed to pass the necessary laws when the matter was purely a domestic concern: his argument was, that it was inexpedient for Parliament to interfere with it. He thought it very possible that when the matter came to be looked into, the colonial Legislature would find that there was much that could be done with advantage to assist not only the Church of England but other Churches, to give themselves more regular and complete organisation. To effect that most useful object, every support and assistance in his power should be rendered as long as he held his present office. What he had said with reference to "speculative and theoretical questions" was this—that there certain ancient Acts of Parliament which were supposed to interfere with the action of the Church in the Colonies, and that it had never been brought under his notice or that of his predecessors that these statutes had interfered to prevent any measures which the members of the Church would otherwise have adopted. It was impossible that the Prelates of the Austrian Colonies should have met together and seriously considered the affairs of the Church in those Colonies, without addressing the Crown, or calling on Her Majesty's Government, in some form or other, to make whatever improvements they might find to be necessary. But, even if this should not be so, it appeared to him that to bring imperial legislation to bear on the condition of the Church in the Colonies, until they knew the result of the inquiry which was at present being conducted on the spot, would be altogether premature. An inquiry conducted upon the spot was the best and most useful that could take place at this moment. And he found by the correspondence he had had with most rev. Prelate, that that most rev. Prelate concurred with him in thinking that, in the present position of the question, it would be better to wait for intelligence from the colony with repect to the inquiry now going on before taking any further steps.

ASSESSMENT OF TITHES AND RENT-CHARGES.

The EARL of MALMESBURY, in accordance with notice, presented two petitions from the clergy of various parishes in the diocese of Bath and Wells, against the present system of assessing the tithes and rent-charges for the poor-rates. He trusted their Lordships would bear with him whilst he made a few remarks upon this important subject, and upon what he considered was a very hard case. The same injustice of which the petitioners complained, of course applied also to those tithes and rent-charges which were in possession of lay impropriators; but he would keep closely to the subject-matter of the petitions—first, because he would not trespass upon their Lordships' attention longer than was necessary; and next, because there was this difference between the lay impropriator and the clergyman, that the former performed no service for the tithes he received, and was, therefore, in a different position from the clergyman. Last year, by the permission, if not the advice, of the Government, a Committee of their Lordships' House sat for the purpose of considering the whole question of parochial assessment; and the principal difficulties of that Committee lay in considering the manner in which stock in trade, railroads, and tithes were assessed. This evening he should confine his observations to the tithe part of the question; but before entering further into the subject, he would read the recommendation of the Committee with regard to it. In the 10th Clause of their report, the Committee said—

> "That the tithe commutation rent-charge is generally assessed on the known full value thereof, while the assessment on other property is made on an estimated value. That the rates on the tithe rent-charge are charged in an unequal proportion, to the injury of the owner thereof, whenever the other property is not assessed at the full value thereof. That the rent-charge, like other property, should be assessed on the rent which a tenant would pay for it. That from the value of the tithe commutation rent-charge, no special deduction to which other property is not entitled should be made."

Now he thought that nothing could be more unjust than that the owners of tithe rent-charge should, as they were now in many instances, be made to pay upon the known full value of the commutation which they did not positively receive, instead of upon the sum at which it might be fairly let. But hard as was that mode of assessment, it was as nothing compared to the great and heinous injustice of the principle upon which assessment to the relief of the poor was based. Their Lordships were aware that there were certain descriptions of property only which were assessed for rating to the poor, commonly called real property, amongst which were included tithes. That was, in plain English, that the clergyman paid a tax upon his income to the poor-rate. At the beginning of the present Session, when the question of agricultural distress was discussed, his noble Friend opposite (Lord Wodehouse) said that the objection to the plan which he (the Earl of Malmesbury) proposed to the Committee was, that the people would not like to pay a second income tax. Well, here was a public functionary, who came upon every estate, entered every field, valued their farms and houses, and asked them how much they received annually; and upon this he calculated the value of the charge. In other words, he made his calculation upon their rental and income, and upon that rental and income imposed, or the parish did on his report, a poundage for the relief of the poor. If that were not an income tax, he did not know what was. His noble Friends opposite and their ancestors had paid an income tax of this description for two centuries and a half. For two centuries and a half had they paid an income tax of *2s. 2d.* in the pound. That was 11 per cent; and he was sure, when his noble Friends bore the burden so lightly, that the Chancellor of the Exchequer must wish that there were many persons in the country who were as unconscious of the taxation they were subjected to as his noble Friends opposite. In the report to which he referred, this most important recommendation would be found in the sixth clause :—

> "That the relief of the poor is a national object, towards which every description of property ought justly to be called upon to contribute ; and that the Act 43 Eliz., cap. 2, contemplated such contribution, according to the 'ability' of 'every inhabitant."

This recommendation, which had been made by the Committee, had been followed by no measure on the part of Her Majesty's Government; and it was only from that quarter that the country could hope for a measure which would be likely to be carried into effect. The clergyman, out of his scanty income and small property, paid poor-rates. Let them compare his situation with those who were exempted. Those who were exempted were, first, the pensioners. The next class that was exempted was composed of the fundholders. Then came the mortgagees; they possessed a very large income, and he did not know why they should not contribute to the support of the poor. Then personal incomes were exempted, and official incomes they all knew were exempted; and though he was willing to admit that no mental labour was more severe or more continuous or more hard than that of a Chief Secretary of State, especially with a seat in the other House, yet he did not conceive that there would be greater injustice to ask such a person to contribute out of his official income to the poor-rate, than to make the same demand upon a clergyman with a small income. He did not see why a class of persons whose average income was 300*l.* a year, should be so heavily and so peculiarly burdened. If their Lordships would bear with him, he would read them a few lines from a letter written to him by a clergyman of a large parish :—

> "I am vicar of a considerable town, the population of which amounts to 6,400 souls. The parish is extremely lengthy, and the visitation of it for spiritual purposes proportionably difficult. Calls of every kind abound upon the mental, bodily, and financial resources of the vicar. The gross income of the vicar amounts to 400*l.* The poor-rates and income tax amount to 100*l.* per annum. It is absolutely impossible for any incumbent to perform the duties of this parish without a curate, which reduces the revenue to 200*l.* per annum, from which is to be deducted the unnumbered calls which of necessity fall most heavily on the funds of a town incumbent. First, in contradistinction to any other house property, you will observe it is absolutely impossible to let a vicarage or rectory, and therefore frequently, in reality, a large house rated at a high value, is a serious drawback to a poor incumbent, who nevertheless must reside in it, and cannot let it ; and yet his house is assessed (in my case) as worth 43*l.* per annum."

The Earl of Malmesbury

Here, then, was an assessment of 43*l.* a year out of an income of 230*l.* But that was nothing to some of the cases he had to advert to, and in which the injustice of the present system was fully exhibited. He would call the attention of their Lordships to four counties. In Oxfordshire the clergy, on an average, paid 2*s.* 5*d.*, or 12 per cent on their income. The clergyman at Cuxham paid 5*s.*, or 20 per cent, on an income of 275*l.*; and in Wallington the clergyman paid 7*s.*, or 35 per cent, on an income of 220*l.* In Dorsetshire the clergymen paid 2*s.* 2*d.*, or 11 per cent, on their income; but some of them paid 7*s.*, or 35 per cent, as the clergyman at Shaftesbury, on an income of 168*l.*; and the clergyman at Blandford paid 5*s.*, or 20 per cent, on 167*l.* In Norfolk the clergymen paid 2*s.* 2*d.*, or 11 per cent, on their income; but at Lapham the clergyman paid 7*s.* 6*d.*, or 37 per cent, on 600*l.*; and in Buckenham they paid 6*s.*, or 30 per cent, on 115*l.* In Wiltshire the clergymen paid on the average 2*s.* 2*d.*, or 11 per cent, on their income; but the clergyman at Tunbridge paid 6*s.* 6*d.*, or 32 per cent, on 700*l.*; and the clergyman at Warminster 6*s.*, or 30 per cent, on 400*l.* In Carnarvon, in Wales, he found some clergymen paying 3*s.*, or 15 per cent, on their income, and others paying 22 per cent; and when they considered the smallness of the incomes of many of the clergy, he felt almost ashamed to be obliged to state, that, in such a country as this, the poor should be supported to such an extent by the working clergy ; and yet, while this payment to such an extent was enforced against them, the pensioners, the fundholders, the mortgagees, were called upon to pay nothing. They did not pay a farthing, except upon the residences in which they took up their abode ; and these might be so small as scarcely to pay anything. He had even heard of an instance of a man of large fortune in Hampshire, who, for the purpose of avoiding the payment of rates, lived in a tent ! But, then, there was one class of persons who were exempted from poor-rates, to whom he felt bound to allude. If he were not mistaken, the right rev. prelates enjoyed an exemption. He was sure that the spirit in which he alluded to them would not be mistaken; but, when he alluded to them, he did so with the greatest respect. He believed that the contrast was one likely to strike the public eye, when it was seen that the working clergy were compelled to pay poor-rates; and yet the prelates, who, in accordance with the new arrangements, and who had been appointed since the new law came into force, were exempted. He believed that such was the case under the new law—that the prelates by it received a fixed income, and were not charged any poor-rate. For this arrangement the prelates were not to be blamed; but still it was a fearful contrast to place before the eyes of those who were but too ready to be discontented to see in one place a prelate (whose name he would not mention) exempted from the poor-rate, and the vicar, living within three miles of the see, heavily assessed. The case was thus stated by a clergyman:—

> "When I left ——, in 1848, to the best of my recollection, I used to pay 154*l*. poor-rate, which consisted of about 40*l*. on the rectory house and garden and orchard (about four acres), and the rest upon the commuted rent-charge of 300*l*. This is rather more than 10*s*. in the pound."

He would answer personally for the perfect correctness of that statement. There the clergyman paid the half of his income in poor-rates; and living within three miles of him was a right rev. prelate (through no fault of his own, it was to be observed) exempted from the payment of poor-rate. Now, he did not state this as a matter of censure upon the prelates; for he was well aware that nothing could exceed their liberality and generosity. Too many instances of both qualities had come to his knowledge not to make him most willing to acknowledge their virtues; but he was sure they must feel on this point very painfully the contrast in their position with that occupied by the working clergy. It was unfair to themselves, it was hurtful to the Church, and it was prejudicial to the State. Why, it would naturally be asked, should this state of things be permitted to continue—why should the poor be compelled to pay, when the rich were not called upon to contribute a single mite? It was because Ministers had not the courage, and Parliament was wanting, to correct their mistakes. Were they to hope that this system would be changed as long as the Whigs constituted the Government? What was their excuse for not making the attempt to correct this evil? Its difficulty was their only excuse. A difficulty in making such a reform, he admitted, there might be; but it was not impossible to accomplish it. When he had proposed his scheme last year, he had been taunted by being told that it was founded on Socialism. There was nothing in it but this—an extension of the income tax for relief of the poor — that income tax which was now paid by one class only, and which would then be extended to all other classes. He wished to put a charge upon personal property in proportion to annual proceeds; and when he was told that this would be Socialism, he replied, that, if it were so, it was only an extension of the principle of the present poor-law, and no new theory; and in all principles, however startling or new—in all principles, however exaggerated, there was a basis of truth; and the wisest of their Sovereigns, Queen Elizabeth and her Ministers, had laid down this maxim, when they first established a poor-law in this country, viz., that "property has its duties as well as its rights." That maxim they had desired to be carried out in their law. For two centuries and a half that maxim had been only partially enforced. It was then, he said, the duty of Parliament to renovate that law. At any other period than the present he should have brought this subject forward in a substantive shape, instead of a mere question. He should have proposed a Bill based upon the principles he had laid down last Session, but with such alterations as subsequent experience had induced him to make. This, however, was not a time to bring forward any important measure. Considering all the circumstances of the times, he was sure that their Lordships would agree with him, that it would be useless to bring forward in a substantive form a matter of such immense importance as this. He believed that, if Her Majesty's Government had chosen to reform, even partially, the grievances which he exposed, they would have strengthened themselves in the country. However that might be, he had now only to thank their Lordships for the patience with which they had listened to him; and he should close his remarks, by asking of Her Majesty's Ministers, supposing them to continue Her Majesty's responsible advisers, were they prepared to act on the report of the Committee of last Session, and attempt, by a remedial law, to put an end to the great injustice of which he complained?

The ARCHBISHOP of CANTERBURY said, that the parochial clergy owed a great obligation to the noble Earl for bringing forward a subject of great importance, and exposing an injustice of which they had a great right to complain. He did not know whether he could say that the Bench upon which he sat was under the same obligation to the noble Earl; because, although it was allowed by the noble Earl that the Members of that Bench were in no respect answerable for the contrast which had been drawn between their incomes and those of the other clergy, general observations frequently went out to the public without the qualification by which they were originally accompanied. The noble Earl had, however, quite made out the case which he had brought forward with respect to the parochial clergy. They often had reason to complain of an unequal rule of rating, against which they had no remedy but that to which they were naturally unwilling to resort, namely, an appeal to the law against their own parishioners. They complained, also, with great reason, that no exemption was allowed them on account of the personal services which they performed; and it certainly appeared unjust that those personal services, without which they could not receive their incomes, were not taken into account when the rate was assessed upon the rent-charge. For these reasons he was much obliged to the noble Earl for the manner in which he had brought their case to the notice of the House.

Earl GREY said, he believed that his right hon. Friend the President of the Poor Law Board had given notice in the other House of his intention to propose a Bill with regard to the law of settlement and parochial assessment; but at the same time he had no reason to expect that the provisions of the Bill would meet the noble Earl's views, because he (Earl Grey) thought that the assessment of personal property would be most injurious.

Lord PORTMAN said, that if the clergyman had reason to complain of the inequality of the poor-rate, an appeal might be made with little or no expense to the petty sessions, and the rate would be quashed on proof being given that any one of his neighbours was too highly assessed. His noble Friend seemed to forget that, in exempting the titheowner, the landed interest, whom he and everybody else believed to be labouring under severe depression, would be subjected to an additional burden, because all that was removed from the titheowner must fall upon the landowner. Now, as the titheowner would only suffer an abatement of four per cent

The Archbishop of Canterbury

this year, while the landowner was called upon to make, on an average, an abatement of 15 or 20 per cent, he did not see that it would be desirable to lay any additional burden upon the landowner for the benefit of the titheowner. With regard to the plan which his noble Friend had brought before the Committee, he believed that much good might be got out of it; but, at the same time, it was mixed up with so many difficult and dangerous topics, that he could quite understand his noble Friend's hesitation in embodying it in a Bill. He must say that the point on which the noble Earl had laid so much stress, that the clergy ought not to be rated in consideration of the services they rendered, was very fully investigated in the Committee; and they had before them the evidence of Mr. Jones, and a very talented archdeacon from Kent, upon the subject; but he must say that the claim for exemption did not stand the examination of the Committee. The instances of individual hardship which the noble Earl brought forward were shared by the clergymen in common with their parishioners. That there ought to be a large area of rating, he agreed with his noble Friend; but he could not see that the titheowner had any peculiar grievance to complain of.

The Earl of MALMESBURY observed, that when the noble Lord moved for a Committee, it was supposed that the country would have had the benefit of some practical suggestion of his own on the subject. What now was the noble Lord's argument? That he paid as much as the clergyman. But it was no comfort to the clergyman who paid 10*s*. that the noble Lord also paid 10*s*. What the clergyman complained of as unfair, was, to assess one particular class on his income, and not to charge all other classes in the same manner. What he contended for, was, that in this respect, at least, justice should be done to the clergyman. In reference to what was said by the most reverend Prelate, he could but repeat that he had not the most distant intention, directly or indirectly, to prefer a charge of any kind against the right rev. Prelates. He knew, by experience, how susceptible the right rev. Prelates were to anything that might appear to be an attack upon them. He made none in this instance. What he had meant was, that under the new law their income was paid to them; that they received a net sum without a deduction; and that the clergy receiving a net sum, had yet to make a deduction for poor-rates. He thought that the contrast was hurtful to the Church, and he was desirous to change a system which made it be so strongly felt.

The BISHOP of OXFORD would not go into the general question; but after what had fallen from his noble Friend the Chairman of the Committee, he must say a word or two, because he should not wish it to go forth to the public and to the clergy, that a Committee of their Lordships' House, on which were three right rev. Prelates, had unanimously acquiesced in the view of the question which the noble Lord had just laid down. He (the Bishop of Oxford) objected at the time to that proposition, and stated that the clergy were subjected to great grievances under the present mode of rating, which ought to be redressed. He lost his Motion in a large Committee by two only, at a time when neither of his right rev. Colleagues was present. He believed, indeed, that if they went upon the strict letter of the law, the property which the clergyman enjoyed was not personal pay for services rendered; but it was a property which he enjoyed which was obnoxious to the performance of certain duties. But though that was the strictly legal view of the case, yet he thought that the clergyman had an equitable claim to exemption; because the only law on the subject, the 43rd of Elizabeth, distinctly stated that all property, real or personal, should be equally taxed. But it was very early discovered that great difficulties arose in assessing personal property, and it was found to be more convenient that personal property should be left out, on this principle, that, provided substantial justice were done by a more roundabout and circuitous mode of assessment, then the law need not be strictly enforced. So long as protection was maintained, substantial justice was done, because, under that system, the assessment on agricultural produce was, in point of fact, paid by the consumer. But, now that Parliament had, as he believed, well and wisely altered that system, and the price of wheat was no longer regulated by the cost of production, but by the cheapest rate at which it could be procured from other countries, then they relieved the consumer from the onus of the poor-rate, and threw it upon the landed proprietors. Now, he contended that this constituted a claim, not against the principle of free trade, but a claim for an entire reconsideration of the mode in which they were for the future to carry out the 43rd Elizabeth; and the clergyman had a right to say, you have no right to go on the strict letter of the law against me, and say that my personal services alone, of all men, should be rated to the poor-rate. With regard to the question of the bishops, he could not say that he was very susceptible on the subject; but he was glad his right rev. Friend had explained the matter as he did, for he should have been sorry if it had gone forth to the clergy that they were unjustly treated in having to pay the poor-rate, while the bishops were exempted.

LORD BEAUMONT thought that an error had run through the speeches of several noble Lords, as they viewed rates as if they were a personal tax, instead of looking upon it as a tax upon property. Now, the injustice would be in exempting one class of property, and assessing another, or in assessing different classes at different rates; but as the case stood, he believed that no injustice existed, because all real property was liable to the rates, and was assessed on the principle of what it would let for. He had therefore come to the conclusion that the complaint of the clergymen was unreasonable, because it was their property that paid; and if they were exempted from the assessment, then injustice would be done to other kinds of property. As to the other question, he agreed with his noble Friend: he thought all realised property ought to be rated to the poor-rate.

LORD PORTMAN said, it was incorrect to say that the clergy alone, of all cases of personal service, were compelled to pay poor-rates. Landowners were compelled to serve as sheriffs—they were compelled to serve on juries and in the militia; yet no one heard of exemption from the poor-rate on the ground of such service.

The EARL of MALMESBURY, in explanation, said that when he spoke of official duties, he was afraid that he had made a mistake in keeping so closely to the point before the House. He wished only to keep the attention of the House to the subject-matter of the petitions before him, which alluded only to tithe.

LORD WODEHOUSE said, their Lordships need not at present enter upon the general merits of the plan suggested by the noble Earl opposite (the Earl of Malmesbury), but, at the proper time, when the question was brought before the House, it would not be difficult to explain the reasons why, in all probability, it would be found impracticable. In Scotland, a somewhat similar plan had been tried for a great number of years, and at length abandoned. The charge upon real property was an income tax, no doubt, as far as it was a tax paid upon incomes derived from all property, whether real or personal, but in no other respect.

The **Earl** of **HARDWICKE** admitted that though there might be individual cases in which a clergyman was aggrieved, yet, generally speaking, he was in the same situation as others who received a money income. The Tithe Commissioners had taken into consideration the value of the tithes. If the clergyman of the parish had previously commuted with his parishioners, they took a seven years' commutation as the basis; they made the amount of the money payment the average for the seven years; they inquired the average of the poor-rate in those seven years; and then, adding the amount of the poor-rate to the rent charge, they determined the whole income of the clergyman. Therefore, the clergyman was not in a position in which he had a right largely to complain.

Petitions read, and ordered to lie on the table.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, March 25, 1851.

MINUTES.] PUBLIC BILLS. — 3^a Ecclesiastical Titles Assumption.
3^a Consolidated Fund (8,000,000*l.*)

RANK OF CHURCH DIGNITARIES IN THE COLONIES.

Sir R. H. INGLIS rose, pursuant to notice, to ask the Under Secretary for the Colonies, whether any answer had been returned to the despatch (with an inclosure) addressed by his Excellency, Sir Charles FitzRoy, on the 30th July, 1850, to her Majesty's Principal Secretary of State for the Colonies (endorsed as received in Downing-street on the 4th January, 1851), and if no answer shall have been sent, to explain the cause of the delay; and also to call his attention to certain inaccuracies in the printed copy of the said communication, as laid before this House, in answer to their address of the 24th February, 1851, and ordered to be printed (No. 105) March 10, 1851. A few words of explanation were requisite to place the matter clearly before the House, and he hoped therefore the House would allow him to make a few observations. Some three or four years ago, in consequence of a whisper or private note from the Lord Lieutenant of Ireland—for he (Sir R. Inglis) could find no public document of the kind—the noble Lord the Secretary of State for the Colonies had sent out a despatch, containing instructions to the Governors of Colonies that Roman Catholic bishops there should be treated with the same distinction and honour as bishops of the Established Church appointed by Her Majesty to episcopal sees within those Colonies. In consequence of that despatch conveying such instructions from the Secretary of State, the Governor General of Australia (Sir C. FitzRoy) had received a communication from the right rev. the Bishop of Sydney, deprecating the course of proceeding recommended in the matter by the Government. In consequence of that representation, another communication was despatched from the Secretary of State, modifying the original instructions, and giving to the bishop as an individual the precedency which was denied to his see, it being held that he was not only Bishop of Sydney, but also Metropolitan. In reference to this arrangement, the bishop replied that, however gratifying it might be to himself personally, it left untouched the main question, namely, of the right of another potentate, not the Sovereign of this country, to give by his authority a situation to which precedence was attached in Her Majesty's dominions. [*Cries of* "Question!"] He had asked the indulgence of the House, as the House might not understand his question without some preface.

Mr. HUME said, that reflections had already been thrown out on certain parties, and he objected to such statements being made, as they could not then be answered, and therefore went forth unanswered.

Sir R. INGLIS apprehended that he had not violated the rules of the House; he had not asked for more than the courtesy the House usually gave. The despatch to which he was about to refer contained an enclosure, dated Sydney, 29th of May, 1850, and it did not appear that any answer had yet been returned to it by the Secretary of State. His first question therefore was, "whether any answer had been returned to the despatch (with an enclosure) addressed by his Excellency Sir Charles FitzRoy on the 30th of July, 1850, to Her Majesty's Principal Secretary of State for the Colonies (endorsed as received in Downing-street on the 4th of January, 1851); and, if no answer should have been sent, to explain the cause of the delay." But there was another question—and here, also, he thought that even the intuitive sagacity of the hon. Member for Montrose would not understand it without a little previous explanation. In the despatch, of which he held a copy in his hand, there were two or three most remarkable inaccuracies. In the last paragraph of the Bishop of Sydney's letter, to which he had already referred, the following passage occurred:—

> "The present occupants of all sees, and their successors therein, hold, and will hold, the precedence which their only lawful Sovereign has assigned to them, [not] subject to abatement at the will of a foreign Prelate, whenever and as often as it may please him to constitute within any of these dioceses a Metropolitan, and, therefore, in accordance with Earl Grey's directions a superior in acknowledged rank in virtue of his ecclesiastical office."

Mr. J. O'CONNELL rose to order. The hon. Baronet was raising questions to which there was no doubt another side, which there could be no opportunity of presenting to the House.

Mr. SPEAKER said, the hon. Gentleman was in order. He was only stating facts, and not giving opinions.

Sir R. H. INGLIS said, that the right hon. Gentleman had stated from the Chair exactly the course which he (Sir R. H. Inglis) considered he was adopting. In the copy of the document which the Secretary of State had laid on the table, the word "not" was inserted in the passage he had cited, thus altering the whole character of the sentence. He wished to know from the hon. Under Secretary whether in the original the word "not" were inserted before the word "subject?" The first paragraph of the same letter of the Bishop of Sydney was as follows:—

> "I have the honour to acknowledge the receipt of the letter addressed to me by the hon. the Colonial Secretary, by direction of your Excellency (29th June, 1849, 49-48), inclosing a copy of the despatch received from the right hon. the Earl Grey, Her Majesty's Principal Secretary of State for the Colonial Department, wherein his Lordship 'desires, that according to the true construction of the directions respecting the precedence of Roman Catholic prelates conveyed in the despatch of the 20th November, 1847, the Bishop of the Church of England in New South Wales ought to have precedence of the Roman Catholic Archbishop.'"

He also wished to know whether the word "desires" were in the original, or whether it were not the word "observes" which was in the passage, and whether the marks of a quotation were omitted or not?

Mr. HAWES said, that the despatch was received on the 4th of January, 1851, and no answer had yet been returned to it. When an answer was sent, it would be laid on the table of the House. With regard to the paragraphs pointed out by the hon. Baronet, he had to say that the copy of the letter laid before the House had been printed from the copy of the Bishop's letter transmitted by the Governor General of Australia, and the words to which he had referred were not printed as a quotation. With regard to the word "not," in the last paragraph, it was a typographical error on the part of the printer, and which arose in this way: the copy sent to the Government had a marginal note with the word "not" inserted, and a mark of doubt along with it, but it was printed with it. The document had not come under his (Mr. Hawes's) notice, and he was not aware of the circumstance until the hon. Baronet had pointed it out to him. On being made acquainted with the error, he had immediately ordered a corrected copy to be laid on the table. If there was any variance between the copy sent and the original document, he of course could give no account of that; all the Government could do was to lay on the table of the House that which was sent to them.

ECCLESIASTICAL TITLES ASSUMPTION BILL—ADJOURNED DEBATE (SEVENTH NIGHT).

Order read, for resuming Adjourned Debate on Amendment to Question [14th March],—Debate *resumed.*

Mr. HOBHOUSE: Sir, in moving the adjournment of the debate at the close of our last sitting, I beg to assure the House that I was not actuated by any personal vanity, but I took this step because there was a general understanding that the right hon. Gentleman the Member for the University of Oxford, the hon. Member for Buckinghamshire, and others of considerable influence, were anxious to state their opinions upon this subject. I will now take the opportunity of saying that the more I have listened to the arguments which have been addressed to the House, the more time and leisure I have had to examine and sift the question, the more have I become fortified in my original conviction, which was always been opposed to any legislation in the case. Sir, if I rightly understand the arguments which have been adduced in favour of the principle of legislation, they are chiefly these: that an insult has been levelled at the Queen; that in Her character of First Magistrate, and Supreme Head of the Church, Her prerogative and authority have been invaded; and that the independence of this nation has been assailed by the act of the Pope for the appointment of bishops with territorial titles. To reduce the proposition to the simplest expression, and place it in the light of a logical formula, it would appear thus: "The Queen is in this country the sole fountain of honour; territorial bishoprics are titles of honour; therefore the Pope has no right to establish those bishoprics. Such is the fair representation of the principal argument in support of the Bill. But it appears to me that a fallacy pervades this proposition; that hon. Gentlemen have not sufficiently considered the meaning of the word "bishop;" that they have not separated the essence from the accident, in their contemplation of the measure before the House. They have not separated the temporal from the spiritual, and hence they have fallen into a great constitutional error. In order to show the proper meaning of the appellation of "bishop," it will be necessary to look for a moment at their history, and to see how they were appointed in earlier times. Nobody will dispute that the original mode in which they were appointed was by the choice of the clergy and laity; the appointment was *per clerum et populum*. But the elections, in process of time, becoming tumultuous, and probably dangerous to the peace and good order of the different parts of Europe in which they took place, the Sovereign claimed a right to the confirmation and investiture of temporalities, now gradually annexed to the office; and previous to his investiture the bishop could neither be consecrated, nor receive the profits of his see. This is the simple history of the election of bishops. The functions which they had been called upon to exercise were, in essence, solely spiritual. Their temporal power was a mere accident, belonging to them in virtue simply of the rights conferred upon them by the different sovereigns of Europe, but not necessarily attached to the episcopal office. Stripping from the bishops all their external and temporal attributes, they are, in reality, nothing but ministers of religion, and their designation is rather in the nature of an office, than in the nature of a title. Sir, I can no more consider the word "bishop" in the character of an honour or title, than the words physician, barrister, or the like. Our legislation is founded on a fallacy. This is my first objection to the Bill. But, in either view of the case, fallacy or no fallacy, we are confessedly legislating against names or titles rather than things. It is unworthy of the wisdom of this House and of this great country that we should spend our time upon such trifles. We ought not to prohibit the sign while we allow the thing signified. There is in this Bill nothing opposed to the institution of Roman Catholic bishops—nothing to interfere with Roman Catholic bishops in the ministration of religion. All that is forbidden is the assumption of certain names. In the eyes of an opponent of the Bill, this can be no demerit; but why pursue the shadow when the substance is out of reach? It is, I repeat, unworthy of the House and of the country that we should mix ourselves up in such a matter. But this is not the first time in our history that a confusion of ideas has arisen from indefinite terms; that people have been inclined to see in a name some danger, which they could not possibly apprehend if that name were cast out of the way. On a former day I was consulting in our library a book of some authority, as well as interest, namely, a *History of Scotland*, by Archbishop Spottiswoode, Archbishop of St. Andrew's, and Privy Councillor to King Charles I. Treating of that period of the sixteenth century when the Reformers, successful in their struggle with Rome, had begun to discuss among themselves the question of Episcopacy or Presbyterianism, and recording a project of the year 1572 for a change of names, in order to reconcile the people to the spirit of the subsisting arrangements of the old Church, he writes—

> "In August thereafter [*i. e.*, in 1572], the Assembly of the Church, meeting again at Perth, report was made of these conclusions, and exception taken by some at the titles of archbishop, dean, archdeacon, chancellor, and chapter, as being popish and offensive to the ears of good Christians; whereupon it was declared, that by using these titles they meant not to allow of popish superstition in any sort, wishing the same to be changed to others not so scandalous; as the name of bishop to be hereafter used for archbishop, the chapter to be called the bishop's assembly, the dean to be called the moderator of the said assembly; and for the titles of archdeacon, chancellor, abbot, and prior, that some should be appointed to consider how far these functions did extend, and give their opinion for the interchange thereof with others more

agreeable to the Word, and the policy of the best reformed churches, reporting their opinions at the next asssembly. But I do not find that any such report was made; like it is, the wiser sort esteemed there was no cause to stumble at titles where the office was thought necessary and lawful."

Sir, there is good sense in every word of this, and it affords a precedent for our own course of action. We are now making a stumbling-block of names, and wasting the precious time of the House, when we had much better be proceeding with business of graver importance. Another argument, the gravamen indeed of the charge, is, that these appointments are derived from a foreign source. But there is nothing new in this, nothing which does not equally apply to every Papal proceeding. We are all aware that a foreign spiritual jurisdiction is exercised in this country, and that it is not introduced now for the first time; so that I cannot think there is anything in this which can give matter of offence. But is it of the essence of the case that this should be done by a foreign authority? Why, in one case there has been an English Pope, and very likely there may be another: wherefore, then, we should object to this foreign delegation of powers in religious matters, I own I cannot see. And when the insult to the Crown is spoken of, let me remind hon. Gentlemen that it applies as much to the Episcopal Church of Scotland as to the Church of Rome. The danger may be greater from the Roman Catholics; but the insult is the same whether the Scottish Episcopal Church assume these titles, or whether it be done by bishops of a Romish origin. I have formed a conclusion from which I think I cannot change, that we have no right to interfere with these episcopal appointments by the Bishop of Rome. Sir, I take Protestant ground upon this question. I accept the right of private judgment in adopting Protestantism; and that right, which I claim as a Protestant, I will concede to a Roman Catholic. It is upon Protestant grounds and principles, it is in virtue of the great and glorious Reformation—an event which unshackled the minds of men, and gave us freedom of thought and worship, freedom of examining our bibles—that I take my stand in defending the Roman Catholic Church. Then there has been another argument frequently adduced in the debate, quite as void of foundation as the rest. It is said, that the Pope and the Church of Rome stand in a position different from any other Church, because the Pope mixes himself up with temporal concerns. Now, it is, I admit, too much the fashion of all public assemblies and corporate bodies to act upon this principle, and meddle with matters in which they have no call to interfere. I have yet to learn that the College of Physicians was specially incorporated to consult upon religion, and to address the Crown or either House of Parliament upon this subject; or that the Attorneys, Solicitors, and Proctors were incorporated with a view of this kind; or that the body of Barristers was instituted for the sake of advising the State upon questions connected with the Roman Catholic religion—objects entirely foreign to their usual pursuits, and tending to distract their attention, if not to disturb their harmony. I freely admit the right of every man in his individual capacity to do in this respect as seems best to him; but it does not belong to professional bodies of men, be they what they may, to act collectively in such cases. Hon. Gentlemen, then, are welcome to an argument of rather wider scope than suits their wishes, the application of which cannot stop at the Roman Catholics, but must extend to nearly all public bodies, including the most zealously Protestant, in the country—a *reductio ad absurdum* decisive of its futility, for the Romish Church is far from the only institution, here or elsewhere, which has deviated from its first bounds, and exceeded the limits of its special jurisdiction. But I believe there is not a Roman Catholic Gentleman of this House, who will subscribe to the slavish doctrine that the Pope has a right to exercise his functions in temporal concerns over Roman Catholics. Sir, they repudiate a notion of that kind. Our Roman Catholic ancestors continually repelled the exercise of such a power, and I cannot believe that any one is so degenerate now-a-days as to subscribe to such a doctrine. We have seen too many proofs to the contrary. We have seen that when questions regarding civil liberty have been discussed, our Roman Catholic brethren in this House have taken part in the battle, and aided us in endeavouring to gain a step in the cause of improvement and reform. It is, then, quite an untenable position to hold, whatever the pretensions of past ages, that the Romish Church now claims to direct the consciences of her members in temporal matters. Sir, I wish to call the attention of the House on this point to a case well worthy of their consideration, which was canvassed in the year 1788.

In a voluminous book, which has this Session been laid upon our table, being a reprint of an inquiry by a Committee of the House of Commons in 1816, before whom the relations of the Roman Catholics abroad to their various Sovereigns and Government underwent a very thorough examination, it is stated that these questions were in 1788 submitted by no less a man than Mr. Pitt to six Roman Catholic Universities:—

> "1. Has the Pope, or Cardinals, or any body of men, or any individual of the Church of Rome, any civil authority, power, jurisdiction, or pre-eminence whatsoever within the realm of England? 2. Can the Pope, or Cardinals, or any body of men, or any individual of the Church of Rome, absolve or dispense with his Majesty's subjects from their oath of allegiance upon any pretext whatsoever? 3. Is there any principle in the tenets of the Catholic faith by which Catholics are justified in not keeping faith with heretics, or other persons differing from them in religious opinions, in any transaction either of a public or a private nature?"

Now mark the answers, which were those of a body of men in six of the principal Universities, many of whom were utterly surprised that such questions should have been put. The Faculty of Divinity of Louvain—

> "struck with astonishment that such questions should, at the end of this eighteenth century, be proposed to any learned body by inhabitants of a kingdom that glories in the talents and discernment of its natives, answers every one of them in the negative."

The answers of Paris, Douay, Alcala, Valladolid, and Salamanca, are the same. Louvain lays down propositions destructive of these doctrines; the third of which is—

> "It follows, that the sovereign power of the State is in no wise (not even indirectly, as it is termed) subject to or dependent upon any other Power, though it be a spiritual power, or even though it be instituted for eternal salvation;" and adds, "which she believes that, at this day, there is no society of learned men, nor any one learned man, in the whole Catholic world, who would not be ready to subscribe to them, as it is said, with both hands."

Paris answers that in 1626 a centure was pronounced by the faculty of divinity against Santarellus' for maintaining the doctrine that the spiritual power extended (indirectly) to temporals:—

> "In this censure the other faculties of the University of Paris, and several other universities in France, as Toulouse, Valence, Bordeaux, Poictiers, Caen, and Rheims, concurred with great applause."

This shows that there is not necessarily inherent in the Roman Catholic Church any opinion to the effect that the Pope can interfere in things temporal. It is universally reprobated by the Roman Catholics. A great deal has been said about the synodical action of the Church of Rome, and we have been menaced, as a consequence, with the introduction of the canon law. I am surprised, Sir, that hon. Gentlemen should suffer themselves to be alarmed by a phantom of this sort. Surely hon. Gentlemen cannot be ignorant that the canon law is already in operation in several courts of this country, subject, indeed, to the common law of the land, as a *lex sub graviori lege*, but still existing here, and found to be neither immoral nor dangerous. Why, it might be supposed, from the speeches made, that there was something very horrible about this canon law—that it prescribes a rule of conduct at variance with morality—yet it has long been practised in the midst of our native institutions. A consultation of Blackstone, or any of our great legists, will show that in his country the canon law is recognised on sufferance, but is overridden by the common law of the land. The canon law, so far as permitted by the common law, does at present exist; but the common law has the right to restrain any innovations or processes of the canon law at variance with our jurisdiction at Westminster, and to punish, in certain cases, the officers who administer that law; and from all the courts in this kingdom, in which the canon law is administered, there is an appeal to the Crown. Sir, it cannot be too often impressed upon gentlemen that this canon law has been, and still is, in force in several of our courts; and it will continue to be, except in cases where the Court of Queen's Bench shall decide that the powers exercised are contrary to the common or statute law. The canon law is desired by the Roman Catholics, because they wish to have a body of men of great dignity and importance to their Church presiding over them—not, as at present, to be subject to a capricious rule; but it must be exercised under the laws, which are now sufficient to restrain any possible excess of its authority. Sir, I put it to the noble Lord whether it is proper or becoming, whether it is not disgraceful, in the latter half of the nineteenth century, to revive in the country the cry of "No Popery" for such miserable shadows as these? Some of the scenes which took place in the holidays were such as to cast a stain upon our national character, which it may take many years to efface. When I reflect on the interruptions offered to the performance of divine service, and call to mind that one conscientious minister of the Church of England was placed under the protection of a body of the police, I see in this something most revolting, which may tarnish our fame, and lower us in the opinion of the nations of Europe. Sir, I do not profess to be an admirer, nor am I qualified to be the apologist, of certain doctrines which have fallen under the castigation of the noble Lord; but when I remember that Bishop Butler, because he adopted certain certain visible signs in his religion, and addressed his clergy of the diocese of Durham, in 1751, for the revival of obsolete services, and upon the necessity of external religion, feeling that the compound nature of mind and body required a double appeal to the intellect and senses—when I remember that this eminent man, the powerful champion of revealed religion, was branded as a Papist, I think the Tractarians can afford to have those imputations cast upon them, and to suffer in company with such a man as the author of the *Analogy*. Let it not be supposed that we are at the conclusion of this question—we are only on its threshold. Seeing that this is the case, and that no guarantee can be given of a successful issue to the struggle, or that any advantage will result, I feel it my duty to oppose the measure. Experience teaches us that in almost every religious contest, conscience has prevailed over law. Sir, I do not deny that a great agitation, a strong feeling, has existed in this country upon the subject; but it has been greatly fostered, and a factitious importance has been given to it, by those in high places. It has been contended in the House, and out of the House, that because Rome was intolerant, we are to be intolerant; in a word, that intolerance must be met with its own weapons—a theory wholly repugnant to that liberality of sentiment upon which the Protestants especially pride themselves. Are we to say that the rule of other States is to be the guide of our own conduct?—that, living under a free Government, with free institutions, we are to look to foreign countries for our law?—that when they follow a course which is despotic and intolerant (assuming it to be so), their intolerance is to be the measure of our freedom? The noble Lord the Member for Bath has called the attention of the House to the advertisements so frequent in the newspapers concerning the celebration of divine service in the Romish Church. The noble Lord referred to them by way of illustration as evidence of a system; but there are others who mean more, and would call on the House to legislate for the suppression of doctrines which they dislike. It appears to me that it is not for this House to determine what is error and what is truth, but that this is a matter which must be left to each person's own conscientious convictions. Yet I believe that a great portion of the agitation which was excited in the country had this for its object; and that a great many who attended the public meetings were looking to the House for some law to prevent the conversion of persons to the Roman Catholic faith. They were afraid that the gorgeous ceremonies of the Roman Catholic worship would win over many of the Protestants. But, Sir, if the people of England prefer a gorgeous worship and splendid ceremonials to a simpler form of service, I do not see what right the House of Commons has to interfere. Sir, the noble Lord the Secretary for Foreign Affairs told us that this was the complement of the Catholic Relief Act, a fulfilment of the spirit of the measure, which, in opposition to the letter, might be construed to intend the prohibition of new, as well as existing titles. But, even upon this hypothesis, the Bill before us goes beyond the Catholic Relief Act, which forbids the assumption of these titles in England and Ireland only, while the present Bill embraces Scotland. Sir, it seems to me that if the ministers of religion, instead of involving themselves in unseemly contentions, would betake themselves to their holy functions, they would find vice and crime and wretchedness enough to overcome; and I am sure they might be more usefully employed in that way than in raking up religious animosity and discord. Let the clergymen of the Established Church abstain from inflaming the passions of the populace against the Roman Catholics, and act side by side with their Roman Catholic brethren in fulfilment of the common mission with which they have been intrusted by their Great Master. This is the course I would recommend the Church of England to pursue, if she wishes to gain admiration, respect, and esteem. I believe the Roman Catholic Church ought not to be encouraged, but at the same time we ought not to endeavour to repress her by legislative action. Sir, if I read the signs of the times aright, the Church of England is much more threatened on the side of infidelity and irreligion than on the side of Romanism. These debates will give great advantage to the scoffer and the infidel, by showing that the religion which was intended to preach peace, has been made the subject of discord and controversy. The common religion of the two churches ought to be a bond of union between them against external danger. The schismatic character of these appointments has been condemned; and it has been asserted that there can be but one single bishop of a particular diocese. But the doctrine which might be applicable before the Reformation, is not applicable at the present day. It suited the existence of one communion, but is out of place now that there are so many. It is known that the Church of Rome does not recognise the validity of the orders of the Church of England, though the Church of England does allow the validity of hers; and in considering whether any insult has been offered, the question ought to be looked at in a Roman Catholic point of view. They cannot mean to insult the Establishment, whose very existence they have from the first refused to acknowledge. If my sincere advice could prevail with the Church of England, I would say, "Treat the Roman Catholics as they treat you. They disavow the existence of your Church — you cannot, agreeably to your principles, disavow the existence of their bishops—but that which you can disavow is, that Cardinal Wiseman is Archbishop of Westminster." For this purpose legislation is needless. Legislation is rather a recognition of the title. I would say, "Pass the thing by as a shadow, as a thing non-existent, and, without vitality, as the Roman Catholics treat the bishops of your Church." Sir, I fear that the noble Lord has entered on a course in which it will be difficult for him to advance with safety, or retreat with honour. I would, however, recommend him to revoke what he has done—to advise Her Majesty not to feel insulted by the conduct of the Pope; and I entreat the noble Lord, as he values the peace, the order, the welfare, the prosperity, and the security of the empire, to desist from pressing further this fatal Bill.

MR. PORTAL said, he was fully sensible of the disadvantages under which he laboured in presenting himself to the House at this late period of the debate; he had to contend not only with the difficulty which every one must feel who addressed the House for the first time, but with the obvious disadvantage of attempting to speak upon a question of which the House was already weary, and every argument of which was well nigh exhausted by those speakers who had taken part in the debate. But yet he trusted to the kindness and generosity of the House for permission to state the reasons which would induce him to record his vote against the second reading of the Bill. He could not admit that the Bill was that innocent and judicious mixture of good and evil which it was held to be by some of its supporters; so far from that, it appeared to him that whilst the measure was utterly impotent for good, it was very powerful for evil. It appeared to him calculated to foment and perpetuate in this country sectarian agitation and discord. As regarded Ireland, he found that its effects would be still more baneful than in this country, for it was eminently calculated to revive in that land that religious strife which had been one of the main causes of its misfortunes, while it would not effect one single object which it professed to aim at. The Bill was just large enough to irritate the Roman Catholics of Ireland, and not large enough to satisfy the Protestants of England. He could not help observing in many of the speeches of those who had supported the second reading of the Bill, that they based their support of the measure on their conscientious antipathy and hostility to the Romish Church. He did not use the word Romish offensively, and hoped that right hon. Members would not for a moment suppose that he meant any offence to their creed. He believed many hon. Members would vote for the Bill because of their earnest desire to arrest the progress of Roman Catholicism in this country, and because they believed the Pope's power was dangerous to the civil as well as to the religious liberty of this kingdom. Now, to those who entertained such opinions, he would say that they were engaged in a vain endeavour to arrest by legislation that which was entirely beyond the control of Parliament—that they were vainly seeking to control an influence which religion alone exercised—that influence which faith exercised over the minds and consciences of men. This was not the place to discuss the doctrines, or, if they would, the corruptions of the Romish Church; but though so much had been said upon this subject, the Bill itself did not profess to have any concern whatever with those doctrines or corruptions. He would at once admit that he fully shared in the general feeling of indignation which the recent act of the Pope had aroused in all classes in the kingdom. He did not take the same view of this aggression as had been taken by most hon. Members on his side of the House; but he felt strongly that it was a twofold aggression; an ecclesiastical aggression, in the first place, upon the rights and jurisdiction of that Church whose very existence it ignored; bishops had been forced upon sees already occupied by bishops of our Church, and in that a spiritual invasion had been attempted, calculated to excite the resentment of Churchmen: there had also been a temporal aggression; a foreign prince had presumed to interfere in the internal affairs of this country, regardless of the convenience or of the safety of the State. He would not say a word more on the subject of ecclesiastical aggression. Strongly as he might feel upon the question, he thought its discussion altogether unsuited to the House of Commons: he took the liberty of observing, at the same time, that it was not to the arm of the State that the Church must look to repel that aggression—she had power within herself to protect her against all opponents; and he ventured to suggest a doubt whether the dangers which the Church would ever sustain from the interference of the State, would not be far greater than any she had to fear from the Church of Rome. He much doubted whether the Church had so much to fear from the Pope of Rome as from the Pope of Downing-street; whether she had not less reason to dread the bulls which issued from the Flaminian Gate, than the pastoral letters from the Treasury; whether she ought not to be less alarmed at the rescript for the establishment of a hierarchy, than at the hasty effusion of an off-handed Premier. Then how would they deal with this temporal aggression? The Bill left the question of aggression, to all practical purposes, precisely where it found it—and that it did not effect its professed object must be obvious to all. Its provisions were utterly inconsistent with the arguments adduced in its favour. To deal with the Pope as a foreign potentate, by passing a law which they admitted, and almost hoped, would be inoperative, was surely a most undignified mode of procedure; they did not attempt to overthrow his acts, or to undo that which he had done—they did not even demand reparation or satisfaction for the insult they said he had offered; but they passed by all they complained of, merely entering a sort of protest. Was this conduct worthy of a great nation—was it conduct which an equal ought to adopt to an equal—did it not seem rather the feeble resource of an inferior towards his oppressor? If they would legislate at all on this subject, let them legislate effectually—if they were determined not to deal with the acts of the Pope as they would deal with aggressions from other sovereigns—if they were resolved to pass them by unnoticed, and would be content to deal with their own subjects who should recognise his authority, let them at least be consistent in so doing, and not irritate if they could not execute. To interfere with consistency, they would only do so on the unhappy principle that any recognition of that foreign Power was in itself an offence, and a bar to the enjoyment of those privileges which belonged to Englishmen. We had of late years been pursuing a different line of policy, and gradually enlarging the bounds of civil and religious freedom. It was left for the noble Lord to retrace that policy for which he had so long and successfully contended, and which it was hoped had been for ever settled by the Emancipation Act. In such a course he would not participate; but the arguments of the noble Lord in favour of this Bill, if they were good for anything, were good for that. Believing the Bill to be a mockery and a delusion, unworthy of the age, of the wisdom of this Assembly, and of the dignity of this great nation, he would vote against the second reading.

MR. J. O'CONNELL was willing, on behalf of his Roman Catholic brethren, to make any declaration, however strong and comprehensive, for the purpose of satisfying his Protestant fellow-subjects, that the Pope had no temporal jurisdiction in this kingdom. He regretted the continuance of this protracted discussion, as likely to add to the venom of religious discord already too active; but all the blame rested with the noble Lord at the head of the Government. The Roman Catholic religion had been attacked by the Bill, and the Roman Catholic Members should of course stand up in its defence. All the old exploded calumnies had been revived against them and their religion, and accusations the most insulting and untrue had been levelled not only against the practices but against the doctrines of the Roman Catholic Church. But notwithstanding these unjust attacks, he was happy to say that no Roman Catholic Member had lowered himself and his cause by having recourse to retaliation. Nothing had yet been said that had much advanced the case in favour of the Bill which had been introduced by the noble Lord to gratify the unworthy feeling called forth by the publication of his letter. Why did not the noble Lord endeavour to obtain unity of sentiment in his own Church on the subject, for there one of the bishops had refused to sign an address, because he did not fully recognise Her Majesty's supremacy even over the Protestant religion? No Crown lawyer had risked his reputation by asserting that the supremacy of the Crown in religious matters was consonant with common law. He would, however, not enter into that matter, because the right hon. Baronet the Member for Ripon, had in a very few sentences completely refuted everything that had been advanced on the point. The people of Ireland would fully appreciate the right hon. Baronet's sentiments, and his desire to place them on an equality, and treat them as brethren. He trusted the time would come when the people of the three countries would agree that the right hon. Baronet was the proper person to entrust with power. The kings of England who had disputed the supremacy of the Pope, had been those who had shown no regard for the rights of their subjects whether in temporals or spirituals, and they had disputed the Pope's supremacy only when there had been a contest about the Papacy itself. The noble Lord had referred to what he called the Gallican liberties, but what he (Mr. O'Connell) preferred to call the Gallican slavery. True it was, that some good men were so mistaken as to give their assent to those celebrated propositions; but, after all, they had only exchanged the mild government of the Church for the iron yoke of civil domination. The noble Lord had spoken of Bossuet and Fenelon, but he had forgotten to state that they had afterwards retracted their opinions. He had listened with very great pain to the speech of the hon. and learned Member for the city of Oxford, and he thought every right-thinking man had participated in the sorrow he felt at hearing such expressions fall from the son of such a man as the late Alderman Wood, or even from a Gentleman of such antecedents as those of the hon. and learned Member himself. He had spoken of the Siccardi laws; but surely, with his habits of thought as a lawyer, he must have known that it was in the very primer of international law, that no compact entered into by two States—and the Siccardi laws were a compact made between the Pope and the State of Sardinia no longer ago than ten years since—ought to be set aside, without at least communicating the intention to the other party, and accompanying the intimation with a statement of the reasons why an alteration was desired. Besides, the hon. Members who had alluded to the affair of Santa Rosas, had taken no notice of the persecution which had been suffered by the Archbishops of Turin, and of Cagliari, and by the servites, the monks, or clergymen, who served the principal church in Sardinia, merely for doing their duty. It was untrue that the unhappy Minister had been refused the last rites of the Church. He received absolution, and a question having arisen as to whether he could receive the viaticum until he had made a public recantation of what he had already retracted in private, an appeal was made to the bishop, and in the interim Santa Rosas died. He could not congratulate the noble Lord on the state of Sardinia. Siccardi, after having pandered to the worst passions and prejudices, was now meeting the fate that justly attends all Ministers who abuse the powers of their high station to unworthy ends; and was being cast aside after the disturbers of public order and enemies of religion had used him for the purposes of the hour. The noble Lord and the noble Lord the Secretary for Foreign Affairs seemed to be most ill-omened sympathisers, for wherever they took an interest in the affairs of a foreign country, there disaster was certain to ensue. He had no hesitation in predicting that it would be in Sardinia as it had been in Rome as well as in other countries, and pre-eminently in Switzerland. The Red Republicans, incited instead of being satisfied by the unworthy concessions already made them, would go on from their attack on the altar to invade the throne and upset the constitution of the country. He infinitely regretted to have heard in that House a speech from the hon. Baronet the Member for Tamworth—a speech which gave indications of much talent and promise, but one which must increase the regret felt in that House for the loss of that hon. Gentleman's distinguished father. It was sad, indeed, to see a young man commencing his career with such an exhibition of old and exploded bigotry. He (Mr. O'Connell) could only hope that the hon. Baronet would prove *splendide mendax* to his present views, and would follow the course which was pursued by his younger relative. In alluding to Switzerland, the hon. Baronet had severely reproached the Catholic cantons for their audacity; but he did not employ one word of reprobation respecting the manner in which the exercise of their rights by the Catholics had been punished by the anarchists—not one word of the banishment of priests and of helpless nuns; and not one word of that most unheard-of outrage by which those who, when the Free Corps first invaded Lucerne, had maintained order and the authority of the law, were, after the lapse of two years, brought before the courts of justice and punished by fine. The noble Lord the Minister of Foreign Affairs had said, that the Protestant majority had a right to interfere even in the matter of education in the Catholic cantons, because of their being in a majority. But could such a doctrine be really maintained? He (Mr. O'Connell) considered that it was a circumstance of considerable importance to the people in Ireland, for although they were in a majority there, yet they were a minority in the entire empire. Was it intended that the principle should be applied at home, and that in the composite kingdom of Great Britain the minority were to be subject to every species of robbery and persecution? He spoke of no unreasonable fear; there were grounds for it both in the speech of the noble Lord at the head of the Government, and in that of the hon. and learned Solicitor General—speeches which must have been heard by every right-minded man with feelings of deep pain. He (Mr. O'Connell) should like to hear why no answer had been given by the hon. and learned Gentleman to the eminent legal opinion which had been put forward, from which it appeared that the first clause of the Bill really carried with it all the venom, and would have all the practical effect, of the clauses which have been expunged. There was one subject in connexion with the Bill to which he wished to draw attention. He was willing to admit that the bench of Ireland was filled by honourable and upright men. In the conduct, for instance, of Mr. Justice Jackson and Mr. Justice Lefroy, notwithstanding the part they had taken in the very bitter debates in that House, there could not now be detected the slightest trace of their former political opinions. Still, when matters of religion were concerned, it was not safe to rely upon the forbearance of Judges. In the Court of Chancery, a short time ago, the children of a Catholic were ordered to be delivered into the custody of a Protestant uncle, to be brought up in his faith, on the extraordinary presumption that their father was indifferent about his religion, because he had been seen to eat meat on a Friday, and had on a few occasions neglected to attend mass. Another dignitary of the Court of Chancery, before whom in his capacity as Master, Catholic trusts were continually being decided on, was notorious for having his name prominent on every placard of an Anti-Catholic meeting. Again, at the assizes of Kerry, where some disturbances had occurred in consequence of the attempts which had been made by the Protestants to seduce the starving peasantry from their religion, by the holy arguments of bread and soup, the Judge went out of his way to censure the priests, although there was not a tittle of evidence to show that they had been in the slightest manner mixed up in the affair. He did, therefore, feel much anxiety that nothing should be left to the discretion of the Judges, but that the law should be well defined, for there was no telling how they would act, if any charitable bequest or issue arising out of it should come before them. The Catholic Primate of all Ireland had been recently made, in a peculiar manner, the subject of attack, and several speakers, in the course of that debate, had alluded to him with great unfairness, and with an entire disregard of facts. Dr. Cullen had not been, as was stated, wholly ignorant of Ireland at the time of his appointment. He had been the agent of the Catholic bishops at Rome, and therefore had reason to be most intimately acquainted with the affairs of Ireland. It was not true, as had been asserted by the hon. and learned Solicitor General, that Dr. Cullen was an Italian monk; he was a secular priest. The act of the Pope in appointing Dr. Cullen was not a novel one. The consent of the bishops in Ireland, as a preliminary to the appointment of the Primate, was quite a novel circumstance. It was not a right, it was only a custom, which might be revoked at the pleasure of the Pope. He did revoke it in this instance, and for the most laudable purpose. He found the episcopacy in Ireland divided against itself by the arts and blandishments of the Government, and, fearing to give a triumph to either section, the Pope took the matter into his own hands. He made the appointment of Dr. Cullen, and Ireland had reason to be proud of the choice. Some extracts from his pastorals would show what manner of man this was whom they had thus been shamefully maligning. Referring to the secret societies of Ireland, Dr. Cullen had thus spoken in a recent pastoral:—

> "They have been a scourge and reproach to the country, and no one can think of the evils which have been caused by them without shedding bitter tears."

In reference to the respective jurisdiction of the ecclesiastical and civil Powers, he said—

> "While we are obliged to give to God the things which are God's, so we are to give to Cæsar the things which are Cæsar's; that is, it is our clear duty to be submissive to the established order in the land in temporal things. Even when groaning under awful persecutions, the early Christians thought it right to submit to the ruling Powers of the day. If any persons refuse to listen to your instructions in these things, give me their names, and I will give you the power to pass on them the awful sentence of excommunication, by which they shall be cut off from the bosom of that Church out of which there is no salvation." "It is better to suffer death itself than to commit the slightest sin." "We may lawfully endeavour to get our grievances redressed; but, in doing so, we are never to take vengeance into our own hands, or resist the State powers, whatever they may be."

Such were some of the sentiments of Dr. Cullen. Never did prelate speak more worthily to his flock; and, as he spoke, so he practised. He (Mr. O'Connell) would now refer to the Synod of Thurles. Was it to be said that, in a free country, the Catholic prelates were not to be allowed to meet together? It was impossible to prevent it. The deliberations of the synod referred to education; but what was there wrong in that? Why, even in the Established Church, the noble Lord would find education spoken of as a thing belonging of right to the bishops and clergy. But, while the Catholic bishops were censured for expressing their opinions on this important subject, the utmost license was given to others. In reference to this subject, he should quote but one sentence from a Parliamentary document, which would give the House some idea of the dangers to be apprehended from the Colleges established in Ireland. One of the present professors of Cork College, Mr. Hincks, was examined, in the inquiry that was made in 1827, into the system of education at the Belfast Academy; and, in answer to questions put to him, he said, "I am master of a classical school, and Professor of Hebrew in the Belfast Academy." He was then asked, "Do you consider Jesus Christ to be God?" "No." "In any sense of the term?" "In no sense; I believe him to be a created being, and that there was a time when he did not exist?" "What idea do you attach to the term Holy Ghost?" "I have no clear idea about it." He would allude to the case of another professor in one of the new colleges, who, in his first lecture to the students, had denounced all the French writers of the orthodox school, while he recommended the infidel and licentious authors. Not content with this, he wrote a book, in which similar objectionable opinions were advanced. His brother professors remonstrated with him; but he reminded them that they were interfering with the liberal spirit of the Act which established the Colleges, and which required no religious test. The professors were obliged to retract their call on him, and to content themselves with the guarantee that he should not again presume to write a book and place his name on the title-page as a professor of the college; but if he omitted his name, he might write what he liked. It was a mockery to say that there was no danger in permitting such things; and these evils became palpable before the colleges had been established three months. The Catholics were, therefore, right in coming forward and denouncing these colleges. If they had not done so, they would not have done their duty to Ireland. It was a most audacious imputation to say, that, because they objected to such institutions, they were therefore not loyal to the Queen. He would say, that was a most audacious imputation; and, so far as it was intended to cast a slur upon the Catholics, it was an unfounded and an unworthy charge. Talk of contravening the law of the land! If the law contravened natural right, and outraged the principles of civil and religious liberty, a constitutional resistance to it was a duty. But the noble Lord said, the Catholics must take his definition of the authority and rights of their Church, rather than that of their bishops. The noble Lord proceeded to say, that, unless the Catholics submitted to him, he would go on and make fresh penal measures against them. But that policy had been tried in Ireland for three centuries; and, depend upon it, the threat of its renewal would not frighten the Catholics. The words of the noble Lord would "pass by them like an idle wind which they regarded not." What said the noble Lord, in a speech delivered on the 15th February, 1844:—

> "It is highly derogatory to the Roman Catholic bishops and clergy, that you now provide by statute against the former being called by the name of the diocese over which they preside. Such distinctions are, I think, foolish. You deny Dr. Murray the title of Archbishop of Dublin, but he is Archbishop of Dublin nevertheless."

He (Mr. O'Connell) fully concurred in that opinion, and therefore he opposed the present measure. The Catholics would still continue to respect their bishops, and to obey their counsel and advice; and they would reject, repudiate, and determinedly resist every thing by which the noble Lord sought to impair their position and authority.

MR. LAWLESS considered that every Member representing a Catholic constituency was bound to raise his voice against the present Bill, and he felt himself the more bound to do so because he was a Protestant representing a Catholic constituency. He felt doubly impelled to participate in that discussion, for he was acutely affected by the insult which was offered to his Roman Catholic electors and fellow-countrymen, and their venerated clergy, by the present system of legislation. When the noble Lord now at the head of the Government succeeded to office, bonfires of rejoicing were lighted up throughout Ireland, because the people remembered the opinions he had expressed in Opposition, and especially his declaration that Ireland was occupied, and not governed. There were now, however, other bonfires in Ireland, and in every one of them the noble Lord was burnt in effigy. It might be said this was but a proof of the fickleness of popularity, and of the capriciousness of the people. That he denied. It was the noble Lord who had been capricious, for he had not fulfilled his promises. The noble Lord had given the Irish people Arms Acts and Coercion Acts; and he (Mr. Lawless) had the authority of Mr. Berwick, a revising barrister in the south of Ireland, for stating that the Franchise Act passed for Ireland, would, so far from operating beneficially, be a disfranchising Act with regard to a large portion of that country. Then in the terrible famine with which Ireland had been visited, and which was met by the people with a patience which did them alike credit and honour, the Government had not taken those measures which they were bound to take, and he contended that they were responsible for every life lost by that famine. And now, to crown all, the noble Lord proposed a penal law directed against the Irish Roman Catholic bishops and priests, who had contributed by their exemplary exertions more than anything else to keep the country in a state of tranquillity and order, and free from the effusion of blood. Yet such was their present reward. If there was one feeling stronger than another with the Irish people, it was their attachment to their Church; and the efforts they made to pay and support their clergy during the time of the famine, were extraordinary. For at that period many of the Roman Catholic priests were almost in a state of starvation themselves. The people of Ireland would watch the course of that debate with more anxiety than they had ever watched any debate in that House for years. He felt most grateful to the right hon. Baronet the Member for Ripon for the manner in which he had spoken of Ireland; but he regretted that in the course of this debate the hon. Member for West Surrey had used language which—although he (Mr. Lawless) was a Protestant—had excited in his mind a feeling of horror and disgust. The Speaker had ruled that the hon. Gentleman was in order in using such language; but he (Mr. Lawless) could only say that in no other assembly in the world would any one have been allowed to use such a string of obscene words. A meeting had been held on the subject of that language at Kingstown, and resolutions had been adopted expressing surprise that no notice had been taken in that House of the disgraceful language used within it. He believed there was not a single Member of that House, whether Catholic or Protestant, who did not regard that language as most shameful; and he was sorry to see that, in the resolutions of the meeting to which he had referred, the noble Lord at the head of the Government was coupled with the hon. Member for West Surrey. This he supposed had arisen from some mistake; for the noble Lord had never used such language as that indulged in by the hon. Member for West Surrey. Indeed, the only fault he had to find with the noble Lord was, that he had not sufficiently condemned the language of that hon. Member, The advanced age of the hon. Member probably protected him from being seriously dealt with in consequence of the language which he had used in reference to Roman Catholic ladies; but he (Mr. Lawless) would give the hon. Member one piece of advice, and that was, never to trust himself in Ireland, or else he might meet with very much the same treatment which Marshal Haynau had received in this country. He could assure the House that if there was one measure which was more calculated than another to rouse the indignant feelings of the people of Ireland, it was an insult to their clergy. There was no excuse whatever for extending this Bill to Ireland, where no aggression had been committed, and where no pretext for any such legislation existed. The way in which the noble Lord brought forward this Bill was worthy of the most pettifogging attorney. The noble Lord wrote his notorious letter, containing allusions to 'mummeries,' and other language which gave very just offence to their fellow-subjects; and then, in excuse for using such language the noble Lord said, that it was directed, not against Roman Catholics, but against Puseyites. Why, then, was Parliament called upon to legislate against Catholics, and not against Puseyites? He was glad to say that many of the Protestant clergy regretted the system of legislation now attempted against the Roman Catholics of this country. [The hon. Member then read some passages from a letter written by a Protestant clergyman to a Member of that House, expressing the opinion that it was not the province of the Queen to confer spiritual rights.] The writer observed that because the temporal barony which the Queen added to the spiritual office was the most seen and regarded, the mistake had been made of calling the names "bishop" and "archbishop" "titles," when they really were only ecclesiastical designations of persons who sustained a spiritual office in an Episcopal Church, just as the name "ministers" was the name given to persons who held a spiritual office in Methodist or Presbyterian Churches. The writer therefore inferred that there was no ground for any measure in regard to what had been improperly termed "the assumption of ecclesiastical titles." Such was the view taken by a Protestant clergyman; would "to goodness" he was a bishop! The argument of the hon. and learned Solicitor General, comparing our present relations with Rome to those of Roman Catholic times in England, was absurd; in Catholic countries bishops were not appointed by the Pope without the consent of the Sovereign; but now we did not acknowledge the Pope. With regard to the public feeling upon the subject, the papers, particularly the *Times*, had made the most of the question, and done all they could to excite public spirit; in that day's *Times* there were five letters with regard to Miss Talbot's case; he regarded this as showing the sort of false impetus given to the subject, in order to back up the noble Lord in passing this measure. It was worthy of remark that though the number of petitions against the Papal encroachments was large, the signatures did not exceed 135,615; while 572 petitions against the Bill had received 271,943 signatures. Considering the proportion of Protestants and Catholics, it could not be inferred from this there was a very strong national feeling on the subject of the aggression. It was painful to him to contrast the language used by bishops of his own Church with the temperate address of the Roman Catholic bishops of Ireland to their flocks upon the subject of this measure. [The hon. Member read several extracts from this address.] Surely the proceeding now in question had arisen as much from ignorance as from wish to offend. It was not possible that the Pope, especially in his present weak state, should wish to insult and exasperate a country like this. What had occurred was very much to be attributed to the shameful state of things existing between the Pope and Her Majesty, with regard to temporal subjects. With 7,000,000 of Roman Catholics in Ireland, there should be a proper understanding with the head of their Church. This proceeding could not have arisen if there had been a concordat with Rome. But what had we? Why, a titled spy; for the noble Lord who went to Rome was without any proper credentials, and was desired to make out the most he could of matters at Rome. Then followed a misunderstanding as to what passed with the Pope; and some stated that what then passed in regard to this measure had very much encouraged the Pope in this "aggression." With regard to the scandal which had occurred in Ireland, in respect to "the Godless Colleges," as they were called, he begged to say that he did his best to further the national system there; and his father before him endowed four or five of the national schools; he was very sorry that from some misunderstanding between the Government and the heads of the Catholic Church—it could be nothing more—these colleges were not likely at present to be of the use he had hoped they would be. It was his belief that the Bill went further than the noble Lord wished or intended, though, Heaven knew, he intended bad enough to the Catholics. With respect to the course taken on the part of the Government, he could not believe the noble Lord meant what he wrote in his letter; he had too high a respect for him—for his intellect. The noble Lord took advantage of a cry, thinking he could strengthen himself in a position in which he felt he was far from secure. Not having gone far enough to please the "Protestant ascendancy boys," and having deserted the real "religious liberty men," and those who were for total freedom of conscience, he would find that "between the two stools he would fall to the ground," and would probably be overwhelmed in the ruins of his own agitation.

MR. MUNTZ thought it a thousand pities that the Government connived at, or, at all events, did not protest against the occupation of Rome by French troops; because, if they had done that, the Pope would have had other duties to attend to than to make aggressions of this kind, by appointing cardinals, archbishops, and bishops, and thereby injuring and disturbing all society in this country. He would not support this Bill as being a mere question between Catholics and Protestants. He had a right to his own religion, and the Catholic had the same right to his; and if the Catholic chose to treat his religion as ridiculous, he could return the compliment and call his ridiculous. The fact was it came to the old story, that orthodoxy was every man's own doxy; and other men's doxies were heterodoxy. But the real question before the House was—has the Pope committed an aggression against the Sovereign, and also against the people of this country? One extraordinary fact manifested in that discussion was, that almost every hon. Member, without an exception, who opposed the Bill of the noble Lord, had admitted that an impudent, an arrogant, and an insolent aggression had been committed. All had made that admission but those who were under the influence of the Pope; and they could not expect that Catholic Members, under such influence, would regard that as an aggression which they thought was for their own good, and which was done by order of their own master. The right hon. Baronet the Member for Ripon, more especially, in his very clever and able speech, had not only acknowledged that a very grave and very offensive aggression had been committed, but he said it was a designed aggression. Well, then, if it was a designed and an arrogant aggression, on what ground was it that Protestant England should sit down quietly under it, and take no step to resist it? Were we in such a miserable state that we must suffer an aggression from anybody, and not attempt in any way to meet it? He had assented to the introduction of this Bill, because he believed there never was a country where the Catholic religion had had the full ascendancy, without being inconsistent with civil and religious liberty. He had then asked hon. Members to correct him, if he were wrong; but in vain had he listened attentively to the whole of that debate, and he could not discover any instance to have been cited to contradict that opinion. Perhaps somebody who would follow him, however, would be able to explain his error, and to explain it satisfactorily; and if that could be done, he hoped that they would show him where liberty and prosperity had been maintained under the supremacy of the Roman Catholic religion. The great question before the country was, not whether the Catholic or the Protestant religion was the best, but whether a practical question for the welfare and prosperity of the country was to be considered or not. He had also in the former debate reserved a right now to deal with the measure before the House as he thought proper; but he must say, that all he had heard and read upon the subject since, had convinced him of the absolute necessity of legislation upon the subject. He had not the slightest desire to persecute or injure any man in any situation because of a difference in religious opinion; but he would say frankly to his Roman Catholic fellow-countrymen, that he would not encourage a religion that he considered was not useful to the country. He could not acknowledge that it was necessary to the free exercise of the Catholic religion to have territorial bishops; and there were many true Catholics who considered that everything that was necessary for their religious wants was provided by having vicars-apostolic. Besides, in Denmark, Sweden, and Saxony, there were no Catholic bishops, though there were Catholics. Therefore, he would not consent to a measure which he believed would lead to unpleasantness with regard to all other sects, and with regard also to the Government themselves. There was not a single instance, with one small exception, the canton of Fribourg, in Switzerland, where bishops were allowed to be appointed throughout the nations of Europe without the consent of the Sovereign; and why Protestant England should be asked to do what no other nation of Europe, Catholic or Protestant, would do, he confessed himself utterly unable to understand. The Austrian Government was the only instance where the power over such appointments had been given up very lately; but then the Austrian Government wished to get the Pope to assist it in keeping the people in subjection; and if we wished to get rid of a constitutional government, we could not do better than allow the Pope's power to go unchecked. Where, he asked, was there a constitutional country where the Roman Catholic religion had its fullest development? [An Hon. MEMBER: Belgium.] Belgium! why, how long had Belgium existed? it was hardly born yet, and it might before long be absorbed by the different powerful nations that surrounded it; for it existed as a nation only by the forbearance of the nations surrounding it, and therefore could never be cited as an instance to the contrary. Then why he should support this Bill was, because Roman Catholic dominancy had a tendency to subvert constitutional governments in Europe. But, "Oh," it was said by several hon. Members, "the poor Pope was only kept in Rome by French bayonets!" Well, but that was the very reason he (Mr. Muntz) feared him, for he was not his own master, and was probably acting under the influence of the French; besides, how did we know that this measure was not connected with Austria and Russia? for there could be no doubt the Pope was the greatest card that these Powers could use against the constitutional nations of Europe. It was remarkable how differently the same things impressed different minds: much fault had been found with the speech of the hon. Baronet of Tamworth (Sir R. Peel) in favour of the Bill, which, if it had no other merit, was at least an independent speech; but if he (Mr. Muntz) had not previously determined upon supporting the measure now before the House, that speech would have determined him to do so. It was really an English speech, which came from the heart; there was no Jesuitry in it, and in his opinion it was honourable to the hon. Baronet, to that House, and to the country; besides, it agreed with all previous accounts which he (Mr. Muntz) had received respecting Italy and Switzerland. With reference to the Swiss question, he (Mr. Muntz) had a knowledge, from his communication with that country, of circumstances respecting that question, which appeared to be very little known. There was only one instance in Europe where the Pope was allowed to appoint bishops free from all control by the Government, and that was in the canton of Fribourg. And it was rather extraordinary that, in 1849, after the war of the Sonderbund was at an end, the bishop there, appointed by the Pope, and subject to no control by the State, in consequence of the Government being too liberal for his views, encouraged the people to march against the Government, and personally excited them to march against it, and supported them in doing it with money out of his own pocket. The bishop was subsequently arrested for the offence, and was sent across the frontier, and he went to Rome, where he was received as a martyr to the Church for his conduct in Fribourg, and there he still remained. Well, but hon. Gentlemen talked about bishops being only spiritual. Did they call this one only a spiritual bishop? He should call him extremely temporal. He could give the name of the gentleman who stood by and saw the transaction in which the Bishop of Fribourg was concerned, if the House required it; and he was one of high standing and respectability. It had been said that this was a question of civil and religious liberty. No man respected civil and religious liberty more highly than himself, but he did not consider that it was a question of civil and religious liberty. He considered it a question of whether this country had undergone a great and insolent aggression, and whether it was the foundation of an audacious and premeditated attack on the Protestants of Europe through this country. Look what a feather in the cap of the Pope it would be to be able to say, in the midst of all his weakness, "Here is the end of it. With all their boasting of independence and power, see how I subject them. See how I have swamped these proud Protestant English. Have not I divided their country, appointed bishops, and even stated that I superseded their very Church?" Though he would not persecute in any way the Catholic religion, either in England or Ireland, he would do the best he could to protect the Protestant religion, believing it to be essential to the best interests of the country. Although a few short years would put an end to any part he could take in the question, and to all interest that he now had in it, still he would never have it said to his children that he had gone out of his way to encourage the spread of a religion which, in his opinion, could not contribute to the welfare, or prosperity, or liberty of the country.

MR. SCULLY thought the speech of the hon. Member for Birmingham was fitted for such times as those that had preceded the passing of the Emancipation Act, attacking as it did the Roman Catholics both in that House and out of it, as well as the Supreme Pontiff, whom they were bound, as their spiritual head, to love, honour, and respect. The hon. Member had said that they had all acknowledged that there had been an act of aggression on the part of the Pope; but surely, if he had paid attention to hon. Gentlemen, professing another creed from the Roman Catholic, who had spoken during these debates, he ought to have had grounds for forming a very different opinion on that point from that at which he appeared to have arrived. How the so-called aggression affected the pockets or persons of any one in this country he could not understand. The Roman rescript only gave to England what had existed in Ireland for fourteen centuries. Besides, there was just as much aggression in appointing vicars-apostolic as in appointing those bishops, as had been shown by the hon. and learned Member for Plymouth. The number of Roman Catholics having increased from 67,000 in 1760, to upwards of 1,000,000 now, their chapels exceeding 800, and colleges, monasteries, and other institutions having sprung up, were good reasons why a change should be made in the mode of governing the Roman Catholic Church in this country, from vicars-apostolic to bishops in ordinary. What had been done could not be undone. The total withdrawal of a bull or rescript was very rare; and there was no reason for the withdrawal of the rescript establishing a hierarchy, the establishment of which, for the above reasons, he thought fit and proper. As a friend of religious liberty, he opposed this Bill. Let it be passed, and he felt that a Roman Catholic in the united kingdom would stand in a very different position from his fellow-religionist in any other part of the British empire, even in the wilds of Australia, or the back settlements of Canada, where the Roman Catholic hierarchy was fully and legally recognised. If the prerogatives of the Crown had been invaded here, it might be asked whether these prerogatives did not extend to the colonies? And, if the State paid the Roman Catholic bishops in the colonies, why not allow them to exist here on the voluntary system? The results of the present proceeding would be of a melancholy and serious character as regarded Ireland, where the Roman Catholic hierarchy was recognised by law and custom, by courts, in Acts of Parliament, and even in the proceedings of the House of Commons. It was said that the 24th section of the Act of 1829 made the assumption of territorial titles by the Roman Catholic bishops illegal; but he contended that that Act had been repealed in substance, if not in terms. In the Irish Poor Law it was enacted, that previous to the appointment of Roman Catholic chaplains to the workhouses, they should be first recommended and sanctioned by the bishops. If this Bill was passed, it would be an infringement of the poor-law, for as the Roman Catholic bishops could not be acknowledged, there could be no chaplains, and the inmates of workhouses would be deprived of religious consolation; would not this amount to a repeal of the Emancipation Act, which guaranteed to the people the free exercise of their religion? Those prelates were also directly acknowledged in the Charitable Bequests Act, and in the proceedings of that House, as would be seen by a reference to the Report of the Committee in 1825, on Roman Catholic Disabilities, so often quoted in that debate, in which the prelates examined were called "the Most Rev. the Roman Catholic Archbishop of Dublin," "the Right Rev. the Roman Catholic Bishop of Kildare," and so on. He also opposed this legislation as a solemn mockery, when he reflected that it was based upon such a plea as that of being necessary for the maintenance of civil and religious liberty. So far from its being consistent with religious liberty, it was, as Dr. Murray had said, "the last drop in the cup of their spiritual bondage;" and that although the Bill was "ostensibly levelled at the bishops, it was, in reality, levelled against the Roman Catholic religion." Dr. Ryan, Roman Catholic bishop of Limerick, also, had expressed the universal feeling of detestation with which this Bill was regarded in Ireland, when he lately stated at a public meeting that if the Government wanted to ruin the country they could not have adopted a measure more certain to produce that effect. These were the opinions not of persons who were accustomed to take part in politics, but of men of retired habits, who interfered little in the public questions of the day. It was said that public opinion pressed for legislation on this subject. He believed that there was a certain party in the country anxious for legislation; but their principal object was to cover up and conceal, by this means, the dissensions that prevailed in the Church of England itself. He warned the House against being led away by a cry of "The Church in danger!"—a cry which, as the great Grattan observed, had always been mischievous to the country; and he trusted the House would consider seriously the consequences likely to follow from their yielding to a cry so fallacious and foolish at the present day. Strong charges had been made against Roman Catholics holding only a divided allegiance; but he maintained that the Roman Catholics of this country held as undivided an allegiance to the Crown as the most loyal of their Protestant fellow-countrymen could possibly do. At the passing of the Emancipation Act in 1829 an illustrious Royal Duke in another place gave full testimony to this undivided allegiance on the part of Roman Catholics. The same loyalty actuated them now as then, and he hoped no further attempts would be made in the course of the debate to impugn the conduct and character of Roman Catholics upon that head. The attack upon the "allegiance" of Roman Catholics was perfectly absurd. The same illustrious Duke had defined allegiance to be "a civil obedience to the Sovereign;" and what, therefore, had their spiritual obedience to the Pope to do with their allegiance? If proof were necessary to satisfy the House as to the loyalty of that portion of their fellow-subjects, he might refer to the evidence given before the Committee of 1825 by the Most Rev. Dr. Murray, in which he explicitly stated that the authority of the Pope was confined altogether to spiritual matters—that Catholics obeyed him in spiritual matters only—and that in civil matters their allegiance to the Crown was complete and undivided. It was said that the late Papal act was an innovation on the Protestant institutions of the country; but he must remind the House that their greatest and most free institutions were derived

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from Roman Catholics themselves long before the Reformation took place, and that they could have no desire now to infringe in the least degree on those institutions. None of the great statesmen of the present day, except those connected with the Government, supported legislation on this question. A noble Earl (the Earl of Aberdeen) in another place observed, with reference to this subject, that "conscience and opinion were beyond the sphere of legislation;" and he also told them, that seeing the Roman Catholic Church was tolerated in this country, it followed that they should have liberty to carry out the organisation of their Church in a regular manner. These sentiments were, he was happy to say, participated in by nearly all the statesmen of the day not connected with Government. The House should not forget that they were attempting to legislate in a persecuting spirit for millions of Roman Catholics in this country, and that by passing this measure they would cast an insult on those millions. They should also bear in mind the thousands of Roman Catholic foreigners who would visit the festival of peace in Hyde Park: what would they think of such an insult being offered to their religion, at the moment they were invited to the shores of England? In what state would they see Ireland? If the Government had turned its attention to subjects connected with the development of the national resources, rather than to the indulgence of religious bigotry, that country would have presented a far more noble spectacle. If this Bill were withdrawn, and the Government were to devote itself to the consideration of the great and comprehensive measures for the amelioration of Ireland, which that unfortunate country so much required, in place of being a drag-chain and disgrace, it would soon become the strength and glory of England.

MR. HUME said, that as the hon. Member for Birmingham had ventured on the rash assertion, that nobody except some person who was under the direct control of the Pope would be found to express an opinion against this unfortunate Bill, he, whom no one would suspect of being under the influence of the Holy See, would, with the permission of the House, take leave to place on record his emphatic and unqualified denunciation of the measure. He was perfectly free from the influence of the Court of Rome. He was a Protestant and an Englishman, and in each of these characters he protested with equal vehemence against the Bill. Most of those who spoke during the present debate took either a religious or a political view of the question. But in whichever aspect it was viewed, he regarded it as the most unfortunate occurrence that had taken place during the long period of his Parliamentary life. The speeches which had been delivered during this debate were precisely similar in tone and spirit to those which were delivered twenty or twenty-five years ago in that House, when the great question was, whether the Catholics should be restored to liberty or retained in an ignoble bondage. From his heart he deplored this ill-judged and ill-timed measure; for he regarded it as the first retrocession from a long series of Acts passed by that House of late years, which had been all founded on the liberal and sagacious policy of removing that which was onerous and grievous from our Catholic fellow-subjects, and of placing Ireland in a position in which, instead of being the shame and weakness of England, might enable her to become her glory and her strength. For centuries Ireland had been a stumbling-block and impediment in the way of England; and as he had always been of opinion that that deplorable fact was to be attributed to the existence in Ireland of penal enactments which humiliated and debased the people, it had been with the deepest satisfaction that for years he had witnessed the gradual abolition of those enactments, unwise as they were cruel. The hon. Member for Lincoln, in the able and convincing speech which he delivered that night, had dispersed many of the delusions—for they were no better than delusions—which prevailed in reference to this question. He reminded the House of the efforts which had been made by Mr. Pitt to win over the people of Ireland, and to put an end to the vile contest between Protestant and Catholic. The hon. Gentleman called attention to the questions which had been put by Mr. Pitt to the most able and learned men on this subject; and the answers returned were, he thought, a complete reply to all the violent speeches which had been delivered out of the House, and to most of those which had been made within it, on this question. It was, in his mind, most humiliating to listen to such violent and indecorous speeches, and to see the time of the English House of Commons occupied as it had been, to the neglect of most important questions, with a matter of this kind in the middle of the nineteenth century. It was degrading to think that they were at the present period of the world ripping up mediæval acts, as if they were applicable to our own times. It would be just as appropriate, in his mind, to discuss the probability of a return to the period when judges of this country sentenced witches to be burned, amid the savage acclamations of the people. Why, the Catholics were as much improved in respect to former practices as the Protestants, and it was a childish fear to suppose that the acts of former times would be committed again. Yet it was for a discussion of this kind that the important business of Parliament was stopped, and he saw no termination to future discussions of a similar kind. The real question they had to deal with was how they were best able to govern the united kingdom, and in coming to a sound conclusion on that matter, they could never leave out of sight that a large proportion of the united kingdom differed from him in religious opinion. It would be arrogant in him to say that he was right, and that they were wrong; but whether they were right or wrong, the policy and the law of the country placed them on a footing of perfect equality with the other portion of the united kingdom, and it was from that point of view that it behoved them to look at this question. He denied that the Roman Catholics were merely tolerated: they enjoyed equal rights with the other portions of Her Majesty's subjects, and they were at full liberty to practise and carry out the principles of their religion. As a Protestant, he protested against this Bill, and maintained that it was inconsistent with the Protestant principle of the right of private judgment to act in any other spirit towards the Roman Catholics. Indeed, it would be tyranny to do so. They claimed the right of private judgment for themselves, and yet they arrogantly denied it to their Catholic countrymen. In so acting, they were stultifying themselves, and acting in opposition to that liberal and enlightened policy which for the last thirty years had dictated the legislation of that House. If anything could add to the feelings of pain with which he witnessed such proceedings on the part of the British Legislature, it was to see that the chief actor in such a movement was the noble Lord at the head of the Government, whom, for thirty years, he (Mr. Hume) had followed as the champion of civil and religious liberty, and who had associated his own name with so many noble efforts in behalf of the cause of liberty, both civil and religious. When first he read the too notorious letter of the noble Lord to the Bishop of Durham, he could not bring himself to believe that it faithfully represented his true feelings and opinions; and he (Mr. Hume) said as much in a letter which he wrote a short time afterwards to a friend. He told his friend that he could not understand how such a letter could have been seriously written by the noble Lord, who had been mainly instrumental in procuring the Test and Corporation Acts—in affording relief to the Burghers of Scotland, in unshackling the Unitarians, and in procuring the enactment of the Catholic Emancipation Bill in 1829. He grieved to find that he had formed too high an opinion of the public virtue and political consistency of the noble Lord. The only point on which he (Mr. Hume) differed from the eloquent, brilliant, and powerful speech of the right hon. Baronet the Member for Ripon, was in not thinking the act of the Pope as arrogant and offensive, or that any aggression whatever on the supremacy of the Queen or on the independence of the nation had been attempted by the Pope. If the right hon. Baronet had said that the matter had been introduced in an ungracious manner, he (Mr. Hume) would go with the right hon. Baronet. But it now appeared that the letter or rescript was not intended to be published; and this, in his opinion, cut away nine-tenths of the ground from those who argued that this was an aggression. No speaker, in fact, had yet demonstrated in what the so-called aggression consisted. The law admitted of vicars-apostolic to regulate the affairs of the Catholics of this country. The vicars-apostolic were bound to obey the orders of the Pope with regard to the wishes of the Catholics residing in their respective districts. The Catholics of England desired to have territorial bishops, in order that their own wants and wishes might be taken into consideration by their spiritual governors, instead of those governors being completely at the mercy and under the dictation of the Court of Rome. They accordingly petitioned for, and ultimately obtained, territorial bishops, and this they did without attempting to meddle with the affairs of any other class of religionists whatsoever. He had seen the petition which had been sent to Rome in 1838, asking for the change. The petition was not attended to at the time, but the application was renewed in 1848, and it was known to every one that bishops were then appointed. Where, then, was the novelty or the surprise in what had taken place? And yet this was called an aggression. The Catholics believed that territorial bishops were essential to their full spiritual liberty, and the real aggressors were those who denied to them a right to which, by every consideration of justice and integrity, they were obviously entitled. Catholic bishops, with territorial designations, were permitted without challenge in Ireland and the Colonies, and why should they not be permitted in England? It was monstrous to think that grown-up men should be so lost to common sense as to worry themselves and torture the country by discussions upon such a question. It might be all very well for children, but for persons who had arrived at the years of reason it was really too ridiculous. The application of the measure to any portion of the United Kingdom would be absurd; but its application to Scotland, where the spiritual supremacy had never been admitted, would be especially preposterous. There was the Free Kirk of Scotland—now more numerous than the Established Kirk of Scotland—which had its general assemblies, its synods, its presbyteries, and its parishes of the same extent as the Established Church of Scotland, and yet no complaint was ever made on the subject. Why then complain that the limits of the Roman Catholic districts were the same as those of the Established Church in England? He regarded the Bill as one of pains and penalties—as the commencement of a system which would not be limited to the Roman Catholics. The Dissenters would come in for their share, if power was given to any one class to put down another. It was with grief and indignation that he saw the Dissenters, who could perform their religious services without impediment, now join in the cry which had been raised against Roman Catholics. They ought to consider that no portion of Her Majesty's subjects had supported the repeal of the Test and Corporation Acts with more readiness than Roman Catholics. What a sad return did they make, when, having obtained their own liberty, they now sought to place trammels on those who had helped them to achieve it. He could have wished that the House had been informed from what section of the Wesleyans the forty-nine petitions which had been that day presented against the Catholics had emanated. He should not be in the least surprised to hear that they were the same section who had resisted Wesleyan reform, and who, assuming to themselves the authority of Popes, were anxious to keep their brother Wesleyans in bondage. The hon. Member for Birmingham (Mr. Muntz) had asked why they did not by some arrangement come to an understanding with the Pope that bishops should not be appointed here, any more than in other countries, without the consent of the Sovereign? He would be happy to see a concordat to that effect established to-morrow. He did not believe it would be objected to by Roman Catholics, and he thought that by that means would be obtained all that was wanted. With respect to the measure generally, he would take leave to observe that one of his principal reasons for opposing it was, that it would create the deepest dissatisfaction and the deadliest animosity as between class and class in Ireland. What was the reason that the right hon. Gentleman the Member for Windsor, who was also the Attorney General for Ireland, had not risen in his place before now, and explained the probable operation of the Bill in that country? It was the bounden duty of the right hon. Gentleman the Attorney General for Ireland to explain the provisions of this Bill as they would affect that country, of which he was the first law officer. The right hon. and learned Gentleman was sitting below him, and he (Mr. Hume) wanted to know why he had not taken part in this debate, and why he had not officially explained to the House his views upon this question. He believed it was the duty of the right hon. Gentleman to address the House on this question, and to relieve their anxiety with respect to the probable operation of the Bill in Ireland. It was to be hoped it would be so. For his own part, he (Mr. Hume) was persuaded that the Bill would be as distasteful to the people of Ireland in one clause as in four, and he should vote against it as a measure of persecution unworthy of the country and of the Legislature.

MR. MUNTZ explained that what he had intended to convey in the course of his speech was the opinion that the Pope had no right to do in this Protestant country what he had not been permitted to do in any other country, Catholic or Protestant.

MR. HUME: He did no more than has in effect been done by other sects.

SIR F. THESIGER believed it to be the general desire—he wished he could say it was the general expectation—of the House, that they should come to a division to-night. He felt that he was about to speak upon an exhausted subject, and to a wearied audience; and he certainly would not have ventured to present himself under these disadvantages, but that he most earnestly desired to have an opportunity of explaining his views of the measure now before them, in order that the course he had determined to pursue should not be mistaken. This was not a discussion into which one would willingly enter, for it was impossible to express an opinion freely upon it without giving offence to the religious feeling of a large portion of their fellow-subjects, whatever inclination or endeavour there might be to avoid it. He trusted nobody would think for a moment that he was capable of wounding the feelings—particularly the religious feelings—of any one; but it was impossible to do justice to the subject without touching on topics that necessarily and unhappily would produce that effect. On the one hand, the Protestants believed there had been an unjustifiable aggression committed against them; the Roman Catholics, on the other hand, felt that the course which was adopted for repressing that aggression involved in it an invasion of their civil and religious liberties. It was out of the collision of those opposite opinions that the result of their deliberations was to be elicited. Now, he had been most anxious during the whole of this debate to hear a satisfactory explanation given of the mode in which the Bill now under consideration would carry out the proposed object of the noble Lord. He had heard aggression denounced in strong and emphatic language by all who considered that legislation was necessary; he had heard the insolent and haughty tone of the Papal briefs spoken of, even by those who opposed the present legislation; but he had not heard one satisfactory explanation of the mode in which the measure of the noble Lord would either repress the present aggression, or would raise any barrier to prevent aggression in future. They had been told that it was a wise and politic maxim not to legislate beyond the necessity. He agreed in that point; but the question in every case must be, what is the necessity? If there be a mischief and inconvenience, arising from the present state of the law, the obvious remedy was to change the law, and to repress the evil; but suppose the object was to prevent the assault and aggression of an adversary, they must not be contented merely with warding off the blow that had been aimed at them, but sound policy required they should, if possible, disable him from further mischief. The question they had to consider was, what ought to be the object of their legislation; and in order to arrive at a conclusion on the subject, it was necessary to consider what had led to the aggression of which they complained. He did not believe it would be found during the whole course of this debate that any Roman Catholic Member had explained that there was any religious necessity for the important change which was made by means of the Papal brief. It had been said by an hon. Member who recently spoke, that a full explanation had been given in what he must call the not very reasonable, nor very calm and temperate appeal of the new Cardinal to the reason and good feeling of the English people. Now there, if anywhere, he apprehended, they should have found an explanation of the alleged necessity. If there had been any spiritual want for it by the Roman Catholic people—if that were the reason and motive of the Papal brief, so able a reasoner would not have lost sight of the importance of such an argument in favour of the act of the Pope, and he would have put it forth most undoubtedly in that address. Now, what was it that Cardinal Wiseman alleged was the object of it? He said the object was to introduce the "real and complete code of the Church," that for that purpose the Roman Catholics must have a hierarchy, because the canon law was inapplicable under vicars-apostolic, and besides there were many points that would have to be synodically adjusted, and without a metropolitan and suffragans there could not be provincial synods. There might have been other motives. He (Sir F. Thesiger) found on the very face of this address a curious illustration of the mode in which the Papal power seemed to be ever on the watch to take advantage of each unguarded opportunity. They found it was with almost artless candour stated that when James the Second ascended the Throne, there seemed to be a prospect of happier times for the Catholic religion, and Pope Innocent the Eleventh immediately availed himself of that opportunity; and was there nothing in the circumstances of the present time which might have induced the Pope to believe that the period had arrived when he might successfully advance his power and authority in this country? They knew there had been most deplorable defections from the Established Church; that many persons who still continued within her bosom, had embraced some of the most characteristic doctrines of the Church of Rome; and that some conscientious, but, as he thought, ill-judging men, were desirous to revive in our simple service the ceremonials and forms which had become obsolete in the Protestant Church, because they did not tend to edification; and to restore all the gorgeous ceremonies of the Roman Catholic Church. There had been also language used by different statesmen which might have conveyed to the mind of the Pope an idea that any interference by means of instituting a new order of bishops in this country would not be resented; and he (Sir F. Thesiger) believed, above all, that there were misapprehensions entertained with regard to the extent and depth of the Protestant feeling which ran with such strong current through the life-blood of England. He was bound, therefore, as he found no other reason than that which he collected from the different assertions and arguments that had been used, and having no means of judging of them except by their actions, to think it was not from any religious necessity that this most extraordinary step was taken by the Papal See; and therefore he thought that, so far at least as England was concerned, they were called upon to resist the aggression—to oppose it to the uttermost of their power — and by means of legislation to prevent the intrusion of any foreign authority upon us in the manner proposed. But it was said, if all this be true, confine your legislation to England, to which part of the kingdom the Papal brief alone applies. Ireland had for a long series of years possessed her Roman Catholic bishops with the titles of Irish sees; the use of these titles had been sanctioned; and it might be said we had no right now, as our connivance might be almost considered to have justified the course that had been pursued, to extend this legislation, even if necessary for England, to the sister country. There had been a great misapprehension as to the real state of the law in Ireland with respect to the assumption of ecclesiastical titles. His right hon. Friend the Member for Ripon (Sir James Graham) in the course of the remarkable speech he had made to the

House, stated that in the year 1792 an Irish Act had been passed for banishing all the archbishops and bishops of Ireland; but he said so strong was the feeling in favour of complete religious toleration, that in the very next year—the year 1793—the Act was repealed. He (Sir F. Thesiger) was astonished when he read (for he had not heard) the assertion which had been made by his right hon. Friend, and he had thought it right to apply to him to know on what authority it was that he had made the assertion; and his right hon. Friend told him that the Duke of Wellington, in a debate, a passage from which he showed him, had made this assertion, and had made it in the presence of Lord Lyndhurst, Lord Eldon, and Lord Tenterden, and, therefore, without further inquiry, he thought he was entitled to consider the statement correct. Now it happened there was no such Act of 1792, and therefore there was no Act of 1793 repealing that Act. There was undoubtedly, in the reign of William III., an Act of Parliament passed for banishing, not all Popish ecclesiastics, as they were called in the Act, but all the higher orders of the Roman Catholic clergy, specifying them as archbishops, bishops, vicars-general, and deans, and all the regular clergy; and that Act having been continued by several intermediate Acts, was made perpetual by an Act of the 8th Queen Anne. Now that Act of William was not repealed entirely, but only to this extent, in the year 1782: An Act was then passed for enabling Roman Catholic ecclesiastics to register themselves, upon making a certain declaration and taking certain oaths; but there was a most extraordinary exception in that Act of Parliament: in the 8th section, it was enacted that no person should be entitled to the benefit of that Act (which was exemption to the person that registered and took the oaths from the penalties provided by the Act of William III.) who assumed or took any ecclesiastical rank or title whatever. That was a statute confined entirely to Ireland. The Act which his right hon. Friend the Member for Ripon stated as passed in 1793, was an Act undoubtedly for the relief of the Roman Catholic people of Ireland; but that Act of 1793 had no operation whatever upon the status of ecclesiastics who assumed any rank or title; they remained precisely in the same state as they were left by the Act of 1782; and if hon. Gentlemen would turn to the Act of 1795, which was the one by which the College of Maynooth was afterwards founded and endowed, they would find that the Roman Catholic hierarchy—the Roman Catholic prelates—were named in that Act after all the laity, not by their titles of bishops, but as doctors of divinity. So that the House would observe that down at least to the year 1795, whatever might have been the facts, the practice of assuming ecclesiastical titles was one that was entirely contrary to law. It had been said that the Pope had created bishops with titular sees in Ireland from the time the Reformed Church was completely established in the reign of Queen Elizabeth. He knew that Pope Pius the Fifth, the Pope who excommunicated Elizabeth, had appointed an Archbishop of Armagh, but he believed after that time it was not uniformly the case for the Pope to appoint bishops to sees in Ireland, but that he appointed them as in England—bishops *in partibus.* Undoubtedly in recent times there was a change; when it took place he was unable to discover; but it was immaterial, inasmuch as the reason that had been assigned for making a distinction between England and Ireland did not exist; but on the contrary, the Acts against the assumption in Ireland of ecclesiastical rank and titles were stronger than any that had been passed in England. It had been said that because by the Act of 1829 a penalty was imposed on persons taking the titles of particular sees, therefore there was a virtual repeal as to all other titles of all the Acts of Parliament passed on this subject previous to that time. But every lawyer knew that one affirmative Act did not repeal another affirmative Act, except the Acts were inconsistent with each other; therefore he apprehended that down to the year 1829 the law continued in the same state, and the prohibition against assuming any ecclesiastical rank or title continued as it was before. It would seem that there was some fatality connected with everything in which Ireland was implicated, for even the most recent Acts of Parliament were either overlooked or misconstrued by the highest authorities. The Charitable Bequests Act, passed in 1844, and in the year 1847 Lord Grey, as Colonial Secretary, wrote a circular to the Governors of the British Colonies, in which he said, "as Parliament, by a recent Act regulating Charitable Bequests, has formally recognised the rank of Roman Catholic prelates, by giving them precedence after the prelates of the

Established Church of the same degree, it appears to Her Majesty's Government that it is their duty to conform to the rule thus laid down by the Legislature." The House, he (Sir F. Thesiger) had no doubt, was by that time perfectly familiar with the Charitable Bequests Act, and they must be aware that the Legislature had laid down no regulation at all with respect to the rank of Roman Catholic pralates in that Act; and, therefore, the noble Lord acted under a great mistake in exercising an authority of a very important description by giving the rank to the Roman Catholic bishops in the Colonies, which he thought corresponded with that which the Legislature had recognised. True it was that under that Act a Royal Commission had been issued, giving to the Roman Catholic prelates certain rank corresponding to their style and title; but though it was perfectly true that the Queen could give any rank or precedence to any of Her subjects that She pleased, the rank given to the Roman Catholic prelates under that Commission applied solely to that Commission, and did not extend beyond it. They would not have a right to carry it out in other matters, or any other occasion; and, therefore, it appeared to him that the Bishop of Sydney was justified in the opinion he expressed, in the paper that had been recently laid before the House, that, under these circumstances, the mere fiat of the Colonial Secretary, without the sanction of the Sovereign, was not sufficient to confer this rank on the colonial Roman Catholic bishops. Thus, then, stood the question with regard to the assumption of titles in Ireland; and he apprehended there was nothing in the historical details which could justify any one in saying that the position of Ireland was distinct from that of England. The blow aimed at the Queen's sovereignty in England was a warning to them to defend their Sovereign from a similar blow in other parts of Her dominions, and to extend their legislation so far as to protect Her sovereignty in every part of Her dominions. Was there anything which had occurred that rendered this legislation necessary? The Pope knew perfectly well that the great difficulty of the noble Lord—as it had been the great difficulty of every English Government—was the kingdom of Ireland. He knew perfectly well that there might be danger to the noble Lord if he extended that legislation to the sister country; and what did he do, in the very midst of the popular ferment? He created a Bishop of Ross; he threw down the gauntlet of defiance, and compelled the noble Lord either to abandon that which was his duty, or to involve himself in all the difficulties that had actually occurred to him, by determining firmly and boldly, and as he (Sir F. Thesiger) thought justly, to extend the measure to Ireland.

So, then, stood the question with regard to the assumption of ecclesiastical titles; and, now, what was the law with respect to the introduction of bulls? Down to the year 1829, and after that period, they had in their perfect integrity and force certain well-known and familiar Acts of Parliament to prevent the introduction of bulls into this country, one of them being as old as the reign of Richard the Second, generally called the Statute of Præmunire; and there were also the two statutes of Elizabeth, to which reference was frequently made. Now when the Roman Catholic Emancipation Act was passed, these statutes existed in all their force, armed with all their terrors, and sufficiently protected this kingdom from the intrusion of any Papal bull, brief, or any other document of similar character, and therefore not rendering necessary any Royal *exequatur*, of which they had heard so much, and which perhaps were not adapted to the position of a Protestant country. But, after the year 1829, we began a system, he was almost afraid he must say, of inconsiderate kindness and indulgence; we, one by one, removed from the Statute-book the different securities that had existed against Papal encroachment—we broke down the battlements of our fortress—we almost dismantled our citadel—we afforded every opportunity to any person disposed to take advantage of our disabled condition, to march in and take possession. Yet, in the disabled circumstances in which we had placed ourselves, the noble Lord apprehended no such encroachment or aggression as that which had taken place. The words of the noble Lord at the head of the Government on the subject were remarkable. He said, in the month of August 1846—

> "Let us suppose that there is some bull introduced into this country similar to those we heard of in former days—let us suppose, and it would be almost extravagant to suppose it, that there was any attempt of the Pope to assert any sovereign authority in this realm, or interfere with the Queen's authority—my belief is, that no such bull would be observed by any Roman Catholic, but that it would be a dead letter. I am sure that if any person acted contrary to his alle-

giance in consequence of such a bull, he would be punishable according to the law of the land."—[3 *Hansard*, lxxxviii., 362.]

Now, a brief, which was equivalent to a bull, had been introduced, and the noble Lord himself had characterised that document; and he thought it might be as well to put the noble Lord's celebrated letter in juxtaposition with his celebrated speech, and to show how completely he had been deceived and misled by placing confidence in the forbearance of the Papal See, and how little he was prepared for this attempt. In his letter he said—

> "There is an assumption of power in all the documents which have come from Rome—a pretension to sovereignty over the realm of England, and a claim to sole and undivided sway, which is inconsistent with the Queen's supremacy, with the rights of our bishops and clergy, and with the spiritual independence of the nation, even as asserted in Roman Catholic times."

This brief, unexpectedly, and to the astonishment of the noble Lord, made its appearance upon their shores—there was a strong popular ferment throughout the country—the noble Lord saw the rising storm—he watched its progress—and at last, after some little deliberation, he turned his face in the direction to catch the popular gale, and issued the letter from which he (Sir F. Thesiger) had read a passage to the House. The noble Lord, in that letter, stated that the law should be very carefully examined, in order that it might be brought into operation against the persons who had offended against it. The people exulted in having such a champion of their rights as the noble Lord, and such a defender of their faith, and they reposed with the most perfect security on the promise which the noble Lord had given. The law, it was admitted, was sufficient for the purpose of punishing this aggression: that had been admitted in the course of the debate, both by the noble Lord himself and other Members, who spoke on this question. Why, then, was not the law carried into effect? The noble Lord said, it was considered not to be expedient to carry out that law, for it had in a degree become obsolete; and it might be regarded as a harsh proceeding if old Acts of Parliament, that had been buried a long time, and were almost dead in our Statute-book, were revived and carried into operation under the circumstances that had occurred. He (Sir F. Thesiger) would venture to say that, inasmuch as those Acts of Parliament (those particularly passed in the reign of Queen Elizabeth) had been the subject of their consideration in 1844 and in 1846, and although in those years they had removed specific penalties which those Acts contained, yet they had repeated the prohibitions—they gave to them a modern dress—they made them speak a modern language—they were not exactly modern statutes, and that it would not have been hard to apply them to meet this aggression. But what had the noble Lord done? He left the law still in the same unsatisfactory state. Were those Acts to be applicable to future aggression, or were they to be considered obsolete? The noble Lord had really done more injury to the law as it existed in the Statute-book, and to the common law, by the mode in which he had dealt with this subject, than any course that could possibly be imagined.

The noble Lord then considered it was not proper to carry out those laws against this aggression. Now, let the House see what was the nature of that aggression, and having ascertained that, let them see what was the measure of the noble Lord to protect us from that aggression, and to satisfy the wishes and desires of the people. Every Member who had spoken on the Protestant side of the question had admitted the haughty and imperious tone of the Papal bull. It had been proved, he thought, most satisfactorily that the Papal power being a compound of temporal and spiritual authority, so closely connected and intimately blended that it was almost impossible to detach and separate the one from the other—whether this was to be regarded as a spiritual or temporal act, or an ecclesiastical act, which was an act of a mixed nature, there could be no doubt that the tone which had been adopted by the Pope, indicated at least the intention to extend sovereign power and authority over "the kingdom of England;" and that very expression "kingdom of England" appeared to him to be very significant as regarded this Papal aggression. An observation was made, he believed by the hon. and learned Member for Aylesbury, that throughout this brief the Pope condescended only to speak of the "Kingdom of England," and when he spoke of the Roman Catholic Church, he called it not the Church in England, but the Church of England. Now as to the title of "the Kingdom of England," was it used by mistake or design? They could hardly think it was by mistake, because the Pope and his advisers could not be ignorant that in the year 1706 the "Kingdom of England" ceased to exist as a separate kingdom—that it was united with Scotland, and became the "Kingdom of Great Britain." Then was it by design? He could not help thinking so, inasmuch as in one of the shameful periods of our history the "Kingdom of England" became a feudal dependency of the Pope; and he believed it was an inflexible rule of the Papal See, that whatever was once annexed to the patrimony of St. Peter could never be separated from it. He was disposed, therefore, to think that the Pope had used that style and title to the kingdom advisedly, and it was, in his (Sir F. Thesiger's) mind, significant of the purpose.

But then it was said by the hon. and learned Member for Plymouth, in his admirable speech, that this proceeding on the part of the Pope was only the natural ecclesiastical development of the Roman Catholic Church; and his hon. and learned Friend said, that inasmuch as we had once tolerated that Church, we should be inconsistent with ourselves unless we allowed that Church to expand and grow and develop itself to its fullest completeness and extent. Now, what was the natural development of the Roman Catholic Church? Nothing short of universal dominion. And, lest it should be supposed the Protestants were excluded from that universal rule which the Roman Catholic Church arrogated for itself, he might state that he had found very recently a passage he would read to the House from a book which was a divinity class book at the College of Maynooth in the present day, and in which that principle was stated in the fullest manner: *Ecclesia suam retinet jurisdictionem in omnes apostatos, hereticos, et schismaticos, quanquam ad illius corpus non jam pertineant.* And to show that Protestants were included in these expressions, he would cite another passage: *Societas Protestantium sese a schismatis reatu excusare non potest.* It was perfectly evident, therefore, from comparing the two passages, that universal rule being claimed over all schismastics, and Protestants being included in that category, the rule applied to them. See, then, the condition in which we should be if the argument of his hon. and learned Friend were correct. He said, we could not admit the principle of toleration in the smallest degree without admitting the right of the Roman Catholic Church to expand itself to the fullest extent of that claimed authority: unless, therefore, we could say to the Roman Catholics, "We will tolerate to a certain extent; we will grant all that is necessary for the exercise of your religion; "so far shalt thou go, and no further, and here shall thy proud waves be stayed"—unless we could say that, we must be open to all the terrible consequences that might ensue. Well, then, what was the result he should draw from his hon. and learned Friend's argment? He was afraid it was one which he hoped they never would come to, that the toleration of the Roman Catholic religion in a Protestant country was entirely out of the question.

Then it was said, in the course of this debate, why was there all this alarm?—it was the most harmless change that could possibly be imagined—it was a mere change of vicars-apostolic to a hierarchy of bishops. But if the change was so harmless, what meant the note of triumph raised by Cardinal Wiseman in his pastoral? What meant the fervid glow of figurative language with which he described that change? He said—

> "Your beloved country has received a place among the fair churches which, normally constituted, form the splendid aggregate of the Catholic communion. Catholic England has been restored to its orbit in the ecclesiastical firmament, from which its light had long vanished, and begins now anew its course of regularly-adjusted action round the centre of unity, the source of jurisdiction, of light, and of vigour."

Now, he would rather take the view of the Cardinal upon this point, and, to his mind, those were words of ominous import.

Then, it was said they ought not to be dismayed on this occasion, because the Pope had given up a portion of the authority he previously possessed; that vicars-apostolic were creatures of his will, and that, when he had established this hierarchy, they would be entirely independent of him. If the Pope had given up any portion of his power, it was a little contrary to the usual principle of action of the Papal See; and he should rather think if it had been done, it was, to use a phrase of our neighbours, probably nothing more than—*reculer pour mieux sauter.* But he could hardly believe this to be the fact, when he saw that there was to be a Roman Catholic hierarchy to be established and planted deeply in the soil of England, and to spread its branches far and wide over the land, and it was avowed that that hierarchy was to be the means of introducing, not the canon law as it had been recognised by our common law for long a series of years, but the canon law of the Church—the vital principle of which was, as he believed, an ultimate appeal to the Pope. Again, they would have bishops dependent on the Propaganda at Rome. He could not help thinking, therefore, that there was a mere semblance of resignation of any portion of the Papal power by the Pope, and that if this hierarchy should be established, as he trusted it never would be, the Pope would be more powerful than ever. But suppose the Pope should have given up a portion of his power, what consolation was that to us? We were just in the same situation, and had still to guard against encroachment, whether it was the encroachment of the Pope, or of the Church of which he was the head. That being the condition in which we stood, what was it that the noble Lord proposed as an important measure to avert all those consequences? The noble Lord, as it appeared to him, had given the character of his own Bill by his own words. The noble Lord said, in the year 1846, that "as to preventing persons assuming particular titles, nothing could be more absurd and puerile than to keep up such distinctions." Well, he turned to the noble Lord's Bill, and what did it propose to do? He found that it proposed to prevent the assumption of particular ecclesiastical titles; so that, to adopt the noble Lord's own expression, he had given to the desires of the public a Bill which was "absurd and puerile." Now, he begged the House to consider that if, as the right hon. Gentleman the Member for Ripon had told them, the Duke of Wellington in 1829 considered the 24th section of the 10th of George IV. as no security whatever—if this was the case at a time when all the Acts of Parliament for the protection of Protestantism were in full vigour, and were armed with all their penalties—how could we expect, now that all those Acts were deprived of their force, that any such Act as the present could be of the smallest use? The noble Lord must be perfectly aware that it would be utterly futile for preventing the acts which it proposed to provide against. He had heard that the late Mr. O'Connell was in the habit of saying that he could drive a coach-and-six through most modern Acts of Parliament. He (Sir F. Thesiger) was perfectly satisfied that the Cardinal's state carriage, he was going to say, could be driven through this Bill; but the fact was, the Bill was too small to render that possible, though he was quite sure it could easily be driven over it. Because, what did the noble Lord propose? He proposed to prevent the assumption of ecclesiastical titles. Now he would just put this case. Suppose Dr. Cullen addressed Dr. Wiseman, and called him "Cardinal Archbishop of Westminster," but took care to sign himself "Paul Cullen;" and suppose Dr. Wiseman returned an answer, and addressed Dr. Cullen as "Archbishop of Armagh," but took care to sign himself "Nicholas Wiseman:" this would be no infringement of the law, because, in this transaction, there would be no assumption of titles on the part of either party. The Bill of the noble Lord was therefore so weak and so flimsy, that it required only the feeblest casuistry to discover the way to break through it.

His hon. and learned friends the Attorney and Solicitor General had both stated that the Bill would prevent synodical action, and, of course, they would not have brought in a Bill to do so if they had not had that intention. Now, he had some doubt whether the first clause would have that effect. He would bring the Government, therefore, to this test: To prevent any doubt on the point, would the Government introduce a clause specifically preventing synodical action? And here he came again to the extraordinary course which was pursued by the Government with respect to this Bill. The House must assume that it was only after the most careful and guarded deliberation that the clauses were framed which were intended to have so extensive an operation; and yet the right hon. Gentleman the Secretary of State for the Home Department had been compelled to say that not only did the Bill not express in terms what the Government meant, but that it actually expressed what they had never meant; for the right hon. Gentleman said they had discovered that if the second section of the Bill was allowed to continue, it would operate to prevent letters of ordination and other documents of that description from having legal validity, the consequences of which would be very serious; and also that if the third section was retained, it would prevent bequests and endowments being left to Roman Catholic archbishops and bishops. Now, he (Sir F. Thesiger) was disposed to think that the legal opinion which had been read to the House by the hon. Member for Dundalk, a few nights ago, to the effect that the operation of the second clause was involved in the first, was perfectly correct, because, inasmuch as the first clause prohibited the assumption of titles, and made the assumption of them subject to a penalty—that, as a penalty always implied a prohibition, and a prohibited act was always void in law, therefore any act done by Roman Catholic bishops under a prohibited title would be an act utterly and entirely void. With respect to the third section, he was disposed to think that under the Bequests Act there might be this distinction—that, supposing a bequest made to trustees and their successors in such terms that there would be a sufficient designation of persons independently of the prohibited titles, the bequest would be considered good in spite of the prohibited titles, and would be carried out. But, however this might be, he felt certain that the noble Lord, with respect to the effect of the second clause being involved in the first, was placed in this extraordinary dilemma, that he must either vote against the third reading of his own Bill, or allow the Bill to be passed which contained provisions which he did not intend. Now he did not see how it was possible for the noble Lord to escape from this dilemma. Yes, there was one way. The noble Lord might introduce into the first clause an exception with respect to the assumption of titles in all cases in which there was the legal exercise of any authority, the consequence of which would be, that the exception would be so enormously large as to swallow up the entire Bill, because the clause would then only apply to the innocent assumption of titles by Roman Catholics when they went into society and were announced by their titles. Seeing, then, that he considered the Bill utterly futile, what was the course he intended to pursue? He anticipated that his statement would be received with a laugh of ridicule when he said that he meant to vote for the second reading. And why? Because he thought that legislation was absolutely necessary, and because, bad as it was, he preferred the minimum of legislation proposed by the noble Lord to having no legislation at all. But he meant to vote for the second reading for a still more important object—because it would afford an opportunity to those who thought, like him, that the Bill was not what it ought to be, to endeavour to amend it in Committee, by the introduction of clauses suited to the occasion. His hon. and learned Friend the Member for Midhurst (Mr. Walpole,) had slightly sketched out his notion of what the Bill ought to have been; and he agreed with his hon. and learned Friend, that, if the noble Lord were sincere in the view he had taken of the Papal aggression, he ought to have come forward with a Bill denouncing that act in explicit terms as a thing opposed to the sovereignty of the Queen, and to have introduced a clause prohibiting all persons from acting under the Papal brief, or under any similar document, under a penalty. This, he conceived—if there was to be any correspondence between the language of the noble Lord and his acts—between his promises and his performances—was the sort of measure which the noble Lord should have proposed. He ventured to think that the public would be satisfied with nothing else. It was necessary, if we would prevent our legislation becoming a proverb and a byword, that a measure should be introduced which should effectually reach the mischief. He was perfectly satisfied that if they proceeded in a vacillating, hesitating, and temporising course, they would entirely fail; that if they touched "the nettle danger" timidly, they would only be stung the more; but that if they grasped it boldly, it would be perfectly harmless. He felt that this was the first of a series of formidable encroachments. He believed that if they did not take their stand on the very breach, they would entail a fearful struggle upon their posterity. He was too sensible of the advantages which he had derived from the light and liberty of the Reformation which had been won for them by the labour, the danger, and the blood of their ancestors, to omit any endeavour on his part to transmit those blessings unimpaired to the latest generation.

Sir J. GRAHAM begged to be permitted to say a word in explanation. His hon. and learned Friend had stated that he was not present when he (Sir J. Graham) addressed the House on a former occasion, though he had, nevertheless, undertaken to contradict him. He (Sir J. Graham) held in his hand the paper which he then read: it was an extract from the debate which took place on the 8th of April, 1829, in the House of Lords, and he (Sir J. Graham) then read these words, which were given in the report of that debate in *Hansard* [2 *Hansard*, xxi., 560]. The Duke of Wellington said, that in 1792 a law was passed in Ireland against the assumption of such titles by the Roman Catholic hierarchy, which was virtually repealed by the Act of 1793, and that since then their assumption of those titles had increased. When he (Sir J. Graham) had addressed the House, he had not taken the precaution of referring to the concurrent testimony of the report in the *Mirror of Parliament.* He had, however, done so since then, and he there found that the first date which he gave—namely, that of 1792—was erroneous. The Duke of Wellington's words, as given in that report, were to the effect, that if the noble Earl who had spoken previously had looked into the Acts of Parliament, he would have found that an Act of Parliament was passed in 1782 for the purpose of effecting the object in discussion. In 1793 an Act was passed which virtually repealed the Act of 1782. The consequence was that these persons assumed the titles, and the practices complained of continued. The Act of 1782, c. 24, sec. 8 (of the Irish Parliament), for the relief generally of the Roman Catholics, contained a proviso that no benefit to be derived from it should be construed to extend to Popish ecclesiastics who assumed the symbols of their office, or took the rank and title of bishops. It had been held that the Act of 1793 repealed by implication the Act of 1782.

MR. GLADSTONE: Mr. Speaker, I have listened, and I believe the House also has listened to the speech which has just been delivered by my hon. and learned Friend, with gratitude to him for the information he conveyed to us with regard to his views of the state of the law, and at the same time with the admiration which I never fail to experience, not only for his talents, but for the fairness and ingenuousness with which he states his views, and which in him, at least, as in many others, is united with the character of a highly distinguished and accomplished lawyer. But the view of my hon. and learned Friend, as I understood it, is a view formidable indeed. I am obliged to him for his clear disclosure of his view, because I think it is well that this House, which is now invited to enter on a new path, of which we see the beginning it is true, but of which no man among us may see the end, should at least consider the direction in which it tends. That was to me an ominous part of the speech of my hon. and learned Friend which described the course of events in this country during and since 1829. What did he tell us of benefits abused and defences surrendered to the inroads of the enemy? Are those defences not to be repaired; are those inroads not to be repelled? It is too plainly the judgment of my hon. and learned Friend, that not only are such things to be done, but they are to be done by restrictions of the principle of religious freedom, as applicable to the Roman Catholic subjects of Her Majesty. My hon. and learned Friend distinctly said—and he was ready to stake the question on the issue—will you introduce in the Committee on this Bill a clause, prohibiting the meeting of Roman Catholics in synod? Now, about that I apprehend there can be no mistake; I presume there is no Gentleman in this House who will stand up in his place and say, "I shall vote for a clause, prohibiting Roman Catholics to meet in synod, but I am a friend to the full religious freedom of the Roman Catholic body." My own case on this occasion—although I fully admit the statement of the noble Lord at the head of the Government that the debate is already exhausted, and that the best arguments which are likely to be made against this Bill have been already heard—my own case is, that I am the only Member representing an English University, and a large and important body of the English clergy, deeply interested in this question, who has not addressed the House in the course of this debate, and who is to take a course in opposition to the sentiments and judgment of all his Colleagues on this question. It is with no sentiment of shame, although with deep regret, that I refer to that difference of opinion; because, while I confess my vote on this Bill will be governed, as I think the vote of every hon. Member ought to be governed, by a regard to the principles of imperial policy, and to the welfare of the entire community, the consideration by which I am led to this conclusion, is a consideration which I am ready to defend and maintain is formed with reference to the single interests of the Church of England and its clergy; because for the reasons given by the hon. Baronet the Member for Cavan last night, and for other reasons, I think the House has had some intimation of the view which I am sure is entertained by many, and which I believe is founded in justice and reason, that the true interests of the clergy of the Church of England and the Church in Ireland are not to be promoted at this time of day by pretending to place them between a large body of our fellow-subjects and the fullest enjoyment of religious equality. There have been many matters introduced into this debate, which I confess I think might have been well avoided. There have been allusions to intestine divisions and threatened dangers in the Church of England—a subject which is full of interest, but one in which we shall make no progress, but rather complicate, by mere incidental allusions. I will only say that I do not pretend to make light of the dangers to which the Church of England is exposed. I differ on one point from my hon. and learned Friend the Member for Midhurst, who in his most eloquent speech expressed an apprehension, which I admit I do not share, for the freedom of the Queen. I have no apprehension in regard to the freedom of Her Majesty. I own I have faith enough in the principle of free representative institutions, and in the principle of free discussion, to believe that the constitution of England is strong enough to laugh at any aggression that has been perpetrated, or meditated, or intended, by any Power in the world, either temporal or spiritual. But as respects the Church of England, it would be idle in me to discuss that its position at the present moment is one of serious difficulty; but if, Sir, I refer to this circumstance now, it is for the purpose of entering my protest against all attempts to meet the spiritual dangers of the Church by temporal legislation of a penal character. Meet those dangers you may, if you will confront them, in a spirit of temperance and wisdom; but you will not meet them if you attempt to cure them by having recourse to remedies which have been tried before under circumstances a thousand times more favourable, and which have utterly and entirely failed you on the day of trial. There are many other collateral subjects which have to do with the province and functions of the House, but upon which we need not enter at the present time; such as legislation as to charitable bequests, legislation in extension of the Acts of Mortmain, legislation for the supervision of religious houses—all questions of a practical and of a highly important nature, and questions which, upon a case shown, may fitly engage the attention of Parliament, as upon principle it is clear and plain that they refer to matters of temporal security, and do not involve in themselves the principle of religious freedom. We pass by all these questions, however, for the present, reserving them until circumstances invite us to consider them. We may also pass certain cases supposed by the noble Lord opposite, who, in his great and lamentable lack, not of declamation against Papal aggression, but of arguments in favour of this specific Bill, did what I have never known done in this House—for he anticipated and shadowed out a variety of possible cases — of possible interference by possible prelates, and possible synods, on possible questions of civil rights; and said if these things arise, it will be necessary to meet them by further legislation. Sir, I had always understood that the actual duties of an English Prime Minister were quite sufficient to employ all the thoughts and energies of any man; and I will therefore take the liberty to pass by all these possible cases, and reserve for myself the power of dealing with them when they arise. The principle upon which we should have to deal with them is plain. If the Church of Rome by any means, whether by bishops or synods, or otherwise, exerted such an interference with temporal matters in this realm as is not permitted in the case of any other religious body, then, I say, we should not only be entitled, but be bound to resist it. But, until the Church of Rome exercises an interference like that—until she oversteps that line which you may think fit to draw not for that Church only, but for all other classes of Christians—the line that is drawn between the spiritual and the temporal—you have no right to interfere—no right to deny them anything which you give to any other body or denomination of Christians among us. Sir, I will briefly give my assent to what was well said by my right hon. Friend the Member for Ripon, in regard to the language which has been used both in the brief of the Pope and the pastoral letters of the Archbishop which announced to us the appointment of this English hierarchy. It appears to me that that language was not only unfortunate, but of a vaunting and boastful description. I will not dwell upon the question, whether it was intended to wound the feelings of Englishmen, and to insult the Queen, but it certainly was in language which merited complaint and reprobation, and that in the strongest terms. But, Sir, I want to know whether we are justified in proscribing an Act connected with the religious arrangements of a large body of our fellow-subjects, because that Act has been done by a Pope and Cardinal (for whose words they are not directly responsible) in language that is no doubt in its character justly offensive. I say, Sir, we must look to the substance of the act itself. It is not enough for us to know that the language which has been used is offensive—we must look to the substance of the act done, and by that we must stand or fall. Now, Sir, I do not care to inquire whether the Pope has done everything which might have justly been expected from him, in point of wisdom, caution, and prudence. I can easily conceive that there are other steps which it would have been wise for him to have taken. I will not enter into the question whether the law of nations has been violated. But this I must say, that if the law of nations has been broken, nothing in my opinion could be more disparaging than for the Government to make, or this House to entertain, a proposal to proceed upon that breach of the law of nations only by an Act of Parliament imposing penalties on certain of the Queen's subjects. And the letter of the noble Lord to the Bishop of Durham was a letter which I am certain he would have demeaned himself to have written— [*Cries of* "Oh, oh!"] Perhaps I am wrong—perhaps I am in fault—but allow me to explain. I did not mean to say (though I have my own opinion as to the letter) that the noble Lord had done himself dishonour in writing it. I only meant to say that he would have demeaned himself, and disgraced himself by writing it, if when he wrote it, he thought there had been a breach of the law of nations. Nothing surely could be more disgraceful to an English Minister than that, when a breach of the law of nations had been committed, and an insult against the Sovereign of England by a foreign Power, he should have complained of that breach of the law of nations, and repelled that insult, not through any diplomatic communication to the Power which had committed that breach and that insult, but by a letter published in a newspaper. Now, Sir, admitting that in the abstract there may have been a wrong—the extent of which I am not able to define, because I find even legal authorities greatly at issue about it among themselves—no good answer has been made by the Government to the observation that if the Crown has been insulted, and if the independence of the nation has been violated, you should proceed in respect to it by diplomatic intercourse. What has been the only answer made by the Government to this argument? The noble Lord at the head of the Government said, that this had not been done, because a clause had been introduced into the Diplomatic Relations Bill, preventing the Pope from sending an ecclesiastic to represent him at the Court of St. James's. Surely, Sir, that was no answer to the proposition that we ought to have sent an agent to the Court of Rome to demand satisfaction for wrong done, if wrong had really been done, any more than the observation of the noble Lord at the head of the Foreign Office, who said that the aggression was not a fit case for war. Certainly not; but I should scarcely have expected to hear from that noble Lord that a diplomatic intercourse and a declaration of war meant the same thing. Although it is true that there is a clause in the Act preventing the Pope from being represented at our Court by an ecclesiastic, is that any reason why we should not have sent an envoy to the Pope, representing to him, "You have broken the law of nations; you have invaded the national independence of England?" Would not that aggression have given us a perfect right thus to approach the Pope with a remonstrance? and is there any man who believes that the Pope would have been bold enough to have turned back an envoy who came to present such a complaint from the Crown of England? According to the practice of the See of Rome, to refuse to receive an ecclesiastic from that See, is in substance to refuse to receive any regular representative of Rome, for all her representatives are ecclesiastics. The great Powers of Europe, not in communion with the Pope, do not decline to send envoys to the See of Rome. Prussia receives no nuncio from the Pope, nor does Russia, and these are the Powers to which we should have looked for an example, when we wanted to know the practice we should have adopted in similar circumstances. Now, neither of these Powers presents the Government with any authority or excuse for having omitted to seek redress for this violation of national independence (as they say they consider it), and this supposed assault upon the rights of the Crown, in the manner which common reason and the law of nations point out, by representing the evil to the party who did it, and demanding at his hands a remedy and redress. That, however, is a matter merely affecting the conduct of the Government; we have now got this Bill before us, and the question is, what are we to do with it. However wrong or however right the Government may have been all along, we must now make up our minds upon the question proposed to us, whether we will vote for the second reading of this Bill. The noble Lord opposite, at the commencement of his speech, stated, as if it were a matter of course, that, in relation to the debate, the Bill had been eagerly attacked upon the one hand, and defended upon the other. I have been less fortunate than the noble Lord. I have heard no Member, out of the thirty or forty who have addressed the House, at all eager in defence of the Bill. I have heard, on the contrary, most of those who have said they will vote for the Bill, speak strongly against it; and my hon. and learned Friend the Member for Abingdon was eager in denouncing the Bill—though he argued in favour of legislation. And I repeat I have not heard any Member eagerly defending the Bill, or attempting to show that it is at all adequate to the purposes it proposes to have in view. I think my hon. and learned Friend called the Bill "puerile and absurd"—quite sufficient to show his sense of the merits of the measure.

Sir F. THESIGER: I said the noble Lord himself had called it so.

Mr. GLADSTONE: My hon. and learned Friend says the noble Lord himself so described his own measure. I must leave the noble Lord to settle that matter with his supporter. But, passing on from these epithets, I come to the representations which have been given of this Bill by the highest authorities. No one has spoken of the Bill more cruelly than some of those hon. Members who have made ingenious speeches in its favour. No speech was more ingenious and straightforward than that of the hon. and learned Attorney General. And how did that hon. and learned Gentleman deal with it? He told us, in regard to the state of the law, that we had a law to prevent the introduction of bulls into England, and that an act which was illegal had been committed; but that there was no law to prevent the Pope's parcelling out of the kingdom into dioceses, and the assumption of territorial titles therein. Well, then, an act illegal has been committed, and another act not illegal; and the illegal act—the bringing in bulls—you are now asked to leave unscathed; while the innocent and lawful act—the assumption of territorial titles—you are asked to render penal by an *ex post facto* law! Such is the statement of the first law officer of the Crown.

Sir, much has been said upon the relative positions of England and Ireland—poor Scotland has hardly been mentioned in the debate; and there is not time to go into its case; but when we reach the Committee—which I am so bold as to think we may reach some time or other—the case of Scotland will deserve and repay our consideration. For the present, however, we are speaking only of England and Ireland. Now, there was no more impressive passage in the speech of the right hon. Secretary for the Home Department than that in which he expressed his conviction that, in spite of all the difficulties that stared them in the face, it was the absolute duty of the Government to adopt a system of equal dealing in regard to England and Ireland, because of the great constitutional doctrines which formed the broad foundation on which they reared this trivial and petty superstructure—doctrines which certainly have precisely the same application to the two countries. Well, what said the hon. and learned Attorney General? I presume when the right hon. Secretary of State made his speech, he did not mean that there was to be a virtual conformity, and a real contrariety—that poor game of speaking one thing, and meaning another. I am sure that was not what he had in his mind. But what was the doctrine laid down by the hon. and learned Attorney General? Why, the Attorney General, in urging the opinion that the Act was in the main an extension to England of the section in the Emancipation Act which at the present period is only practically operative in Ireland, said, it is true that in Ireland that section of the Act has not been called into action, but in England the case will be very different. To apply a law of this kind in Ireland, would be prohibiting what is old; in England, it is only preventing what is new. Therefore the Attorney General gave us to understand that although the law has never been put into operation in Ireland, it was intended to put this new law into operation to such a limited extent as to make the law practically different in England and Ireland—leaving that tolerated in Ireland which is not tolerated in England. That may suit the views of some particular parties, and there are some plausible reasons in its favour; but if the law is to be in Ireland a dead letter, and in England a living, permanent source of penal proceedings, then I want to know what becomes of your flourishes about the supremacy of the Queen, and the union of the two countries, and about an impartial application of equal laws to the one country and the other. Sir, we are going to divide upon the Bill on a false issue—we are deviating greatly from the rules of this House—under circumstances which, perhaps, justify deviation, but which I cannot altogether pass by without notice. We are going to divide on the second reading of the Bill in the shape in which it was introduced, and yet with an intention announced on the part of the Government to make an essential alteration in it in the Committee; and many Gentlemen will, therefore, probably vote for it who would not otherwise have done so, because the clauses which the Government mean to strike out are yet in the Bill; and, on the other hand, some who would otherwise have voted against the Bill, will not do so, because these clauses are, it is said, to be struck out. Such is the effect of disregarding the wise rules of the House, founded on good sense, that when between the first and second reading of a Bill, there is occasion to announce important alterations, the proper and convenient course is to withdraw the Bill, and introduce another. But now what is the Bill—what is it supposed to be—in itself? Can any man tell me, with any certainty, what the legal effect of the Bill we are going perhaps to pass, will really be? As my hon. and learned Friend the Member for Abingdon said, both the law officers of the Crown laid it down that the Bill originally was intended to prevent "synodal action;" but I understood the hon. and learned Attorney General to say that the Bill does not, or rather in its proposed form (that is, in its proposed clauses) will not prevent "synodal action." [Lord J. RUSSELL: Hear, hear!] Yes; I understood the hon. and learned Solicitor General to say that the Bill would prevent synodal action.

The SOLICITOR GENERAL: I did not say so.

MR. GLADSTONE: I have no doubt now as to the hon. and learned Gentleman's denial, and will not therefore believe the evidence of my own hearing in opposition to it.

The SOLICITOR GENERAL: What I said was, that the Roman Catholics themselves had put it on that ground—asserting that territorial titles were essential to synodal action; so that taking away those titles such action would be prevented.

MR. GLADSTONE: I remember the hon. and learned Gentleman referring to that assertion of the Roman Catholics; but I also recollect him adopting that assertion, and making it the basis of the climax of his speech, as showing how stringent and effective the Bill would be. However, as the hon. and learned Gentleman denies this point, I will not insist upon it; I will pass on to another subject. What then is to be the effect of the exclusion of the second and the third clauses? Sir, we have the advantage of the presence of many lawyers, but the great bulk of us are unfortunately not lawyers; or rather, perhaps, I should say fortunately. For what is the assistance we have derived from lawyers as to the vital question—what will be the effect of the expulsion of these clauses? I beseech the House to consider the position in which they stand upon this question. The first law officer of the Crown has stated distinctly that when the second and third clauses are ejected, the first clause will not carry with it the effect of either of these two clauses. I trust I have not misunderstood the hon. and learned Gentleman's meaning on that point. The hon. and learned Member for Dundalk, however, produced the opinions of three eminent counsel, stating that the effect will be that both clauses are involved in the first. That is pretty well by way of contradiction. But then to mend the matter, my hon. and learned Friend the Member for Abingdon comes in (with an authority second to none) and tells us that neither the one nor the other of these opinions is right; for that the second clause will be involved in the first, but that the third will not. That is a short statement of the position in which the House stands as to its legal illumination on the vital question on which we are about to give our votes. But again. The public suppose that this Bill is intended to do—what? To "maintain the rights of the Crown," and the "independence of the nation." Why, it is to "maintain the rights of the Crown" against what it is contended was an aggression of a foreign Power. And what says the Bill about that? Nothing. It simply imposes penalties on the Queen's subjects. Does the Bill really contain or indicate any two coherent ideas—or is it capable of being referred to any principle whatever, good or bad? I should have a comparative respect for it if it were a consistent embodiment even of a false principle; but there is no principle in the Bill at all. You have the Bill put forward for the purpose of suppressing a foreign authority—what foreign authority does it repress? Is the Bill confined to the prohibition of foreign titles? No. Dissenters' titles are as much suppressed by the Bill as Roman Catholic titles will be. Nor let it be imagined I am putting too remote a possibility; for last Session (I think) Lord Brougham presented to the other House a petition from certain clergymen of the Episcopal Church in Scotland, praying the House to give them (it was not clear how they could) episcopal government, which would be absolutely prohibited by this Bill. The Bill in the first instance also prohibited the existing Scotch bishoprics. The letter of the noble Lord excepted them, while his Bill prohibits them. You have now offered an exception in favour of that Scotch Episcopate, which I cannot except. I have been much connected with the Scotch bishops (on account of very frequent residence in Scotland), and I have a great regard and respect for them; but I cannot desire that an exceptional system of civil privileges or civil toleration should be created for one class of men, from which others, standing in similar circumstances, are to be excluded; and therefore I cannot consent to except any class from this Bill. I want to know, then, why the Scotch bishops are to be made the subjects of a penal enactment. The Bill is directed against "the assumption of territorial titles;" but does it prohibit them? If it prohibited all such titles, I could understand you when you said you were defending the "territorial rights" of the Crown. But you prohibit episcopal, not territorial titles. Are there no others who "divide the country into districts" besides episcopal bodies? The Wesleyans, for instance—[*Ironical cries of* "Hear!"] I know the meaning of that cheer, and I will deal with it by and by; but I think it is convenient to take one point at a time, and I am upon the point of territorial titles. I say, then, you do not prevent territorial titles; for not only the Wesleyans with their "circuits," but the Presbyterians with their "synods," have "titles" as strictly "territorial" as the Roman Catholic or Scotch bishops —[*Cries of* "Oh, oh!"]—I say as strictly territorial as the Pope's bishops. ["Oh!" *and* "No, no!"] Well, now I ask—wishing to reason as well as I can with that singular argument "Oh, oh!"— I will ask, are there not persons in Scotland who use the same sort of titles as the bishops in England? Both of them have divided the country. The Scotch bishops have their episcopal sees, calling themselves bishops of Edinburgh, Glasgow, and so forth—the Presbyterians of England their presbyteries of London, Birmingham, and other places. I want to know whether you consider the Scotch titles territorial? I say that they are distinctly so; and I say, further, that the titles of the presbyteries are the same. The only difference between the two Establishments is this. The power is concentrated in the hands of the bishops, and it is diffused in those of the presbyteries. The one is as distinctly territorial as the other. If you tell me that the title of the bishop is to be esteemed as territorial, because it is accompanied with temporal incidents, you have the same reason for considering the titles of the Presbyterians territorial. In Scotland the title of bishop is accompanied with many territorial incidents—such as jurisdiction in courts and civil matters. Well, but this Bill will not defend the territorial rights of the Crown; and when the people of England are asked to pass an anti-Romish enactment, they are only invited to agree to an anti-episcopal enactment. The public out of doors understand this Bill to be one to prevent Romish aggression. Now, looking at this Bill merely as an Act for that purpose, I observe that the noble Lord the Secretary for Foreign Affairs treated it simply as an extension of the Act of 1829. I protest, Sir, against that doctrine; it is not a simple extension of the Act of 1829. The intention of the Act of 1829 was to defend against usurpation certain actually-existing titles known to the law. It designated certain individuals possessing those titles, carrying with them, as they did, most important rights. The man who declared himself to be Roman Catholic Bishop of London would have become a claimant to most important rights, of property, political privilege, and ecclesiastical jurisdiction. It was necessary, as a matter of policy, to hedge in and guard titles of this kind. It was proper to defend the titles of persons who, after all, were legal officers, against the usurpations of others, for the sake of preserving order and preventing confusion. You do not pretend that any collision would arise, or that the courts of law would be embarrassed by the assumption of titles under the Papal brief. Are you not, by prohibiting the assumption of episcopal titles, interfering with the rights of religious bodies? But it is idle to represent this as a mere extension of the Act of 1829, when it involved manifestly the application of a new principle. You come then to the point, will you allow the Pope to create a spiritual office on purely spiritual and religious grounds, and will you allow the Roman Catholics the benefit of that creation if it is not associated with matter of a temporal character? Well, then, it is for you to prove—and it is a point on which I have laboured in vain to find a proof adduced—that this rescript of the Pope has a temporal character such as will justify your legislation. The Gentlemen who have been engaged—not in defending this Bill, but the vote which they intend to give, and have come here to make an exposition of their sentiments—have used arguments which divide themselves into two classes. The first of these go too far, and the others fall miserably short. When we hear Gentlemen pointing to Roman Catholic countries, and speaking of the degradation which, they allege, in most instances a country sinks to when she adopts that faith, I say that is an argument which goes a great deal too far. Nothing can be more unfair than to hear it stated that this country or that country is reduced to the lowest state of degradation in consequence of the adoption of the Roman Catholic faith. But what is the inference of such an argument? Why, to put down that religion which is attended with effects so fatal. That is an argument which goes too far. You have plenty of others. You speak of the progress of the Roman Catholic religion, and you pretend to meet that progress by a measure false in principle as it is ludicrous in extent. You must meet the progress of that spiritual system by the strength of another; you can never do it by penal enactments. The other arguments fall as miserably short. My noble Friend the Member for Bath said, that the essential difference between the Roman Catholics and the sectarians is this—the former derive their titles from a foreign Sovereign. The noble Lord the Secretary for Foreign Affairs put the point more clearly. He stated that they derived them from a foreign authority. Well, now, how far does that carry us? If you are dealing with a foreign authority, and if a portion of your fellow-subjects own that foreign authority as their spiritual head, you may have in the certain abstract rights to stand between them and that foreign authority, in order to ascertain that his dealings are strictly spiritual, and do not involve temporal concerns. But I put it to the candour of my noble Friend to say I am right in declaring that the fact that they own a foreign authority for their spiritual head, does not justify you in withholding from them one jot or one tittle of that freedom and privilege which is really religious. It may impose on you certain duties—that their relations with that foreign authority do not involve matters of a temporal character; but this I do repeat, you cannot take your stand upon an abstract principle, and say you derive these offices from a foreign authority, therefore you shall be deprived of them. As such a proceeding as that is unreasonable, when viewed in the abstract, so is it monstrous in practice. One half of Christendom derives these episcopal titles from a foreign authority; and are we to say that one half of Christendom is to be restricted in its religious freedom? Is it not enough for you to show that these bishops are founded by a foreign authority, but you must show me that they are not merely spiritual officers, but that they are founded for temporal purposes. Then, and not till then, you have a justification for interference. Now, we are very near the gist of this case; because I think, after all, it has been gratifying to observe that no man has ventured, in the course of this debate, to say in an intelligible manner, that it was necessary to subject the religious liberty of the Roman Catholics to restriction. On the contrary, we have heard it expressed, in the clearest terms, by the hon. and learned Attorney General and others, that, as far as religious liberty is concerned, the Roman Catholics are to be placed on a footing of equality with every other denomination. What proof has been given that this appointment of the hierarchy in England is not of a spiritual but of a temporal character? Now, is not that the question? The noble Lord at the head of the Government says that a claim made by the Roman Catholics for whatever they say is necessary for the development of their religion, if it does not injuriously trench on the rights of the Throne, or on other rights, must be conceded. If the Roman Catholic tells me that a certain measure emanating from a foreign authority, is necessary to the development of his religion; why, then, I say it is the duty of Parliament to see that that measure is not of a temporal character; that it is merely spiritual; and if Parliament should see that it is of a temporal character, then Parliament may interfere; but if the act of the foreign authority does not involve any interference with temporal concerns, then I say you have no right to meddle with the matter. I have heard my hon. and learned Friend the Member for Abingdon, and also the hon. and learned Solicitor General, say, that they are not satisfied of the necessity for Roman Catholic purposes for the introduction of a regular episcopal hierarchy. I do not know why they should be at all satisfied upon that subject. It is no part of the duty of the Roman Catholics to satisfy me that the act is reasonable or unreasonable; all I have to do is to see that it is not of a temporal nature. This is my opinion, if I understand anything of the doctrine of religious liberty, and if it be not mere fume and vapour it implies that within the scope of religious action Parliament was not to intrude. I am speaking now of an established body, and I cannot hesitate to assert that it is their absolute right to make rules for the regulation of their religious concerns without any responsibility to any one whatever, except the responsibility of showing that they are of a religious, and not a temporal character. What is the amount of proof brought forward—I will not say by the advocates of this Bill—but by those who intend to vote for it, that this rescript of the Pope is an act of a temporal character? I have in vain listened to the greatest authorities for some proof upon this point. I have heard many passages quoted that it was possible for it to assume such a character. The noble Lord at the head of the Government had been the boldest in the matter, for the noble Lord has distinctly stated that the appointment of bishops was not a spiritual but a temporal act. If I am wrong, the noble Lord will correct me.

Lord J. RUSSELL: I quoted that as the opinion of Dr. Twiss.

Mr. GLADSTONE: Dr. Twiss is, no doubt, a very great authority; but I should very much like to know whether the noble Lord adopts the opinion of Dr. Twiss. The noble Lord does not appear to be disposed to throw any light upon that point. What I say is this, the fact of the episcopal office for a long period of years having annexed to it civil incidents, does not justify you in treating that office as civil when those incidents are removed from it. If the appointment of bishops is *per se* a spiritual act, why interfere? If, on the other hand, it is not *per se* a spiritual, but a temporal act, why exempt the Scotch bishops? If it is a temporal act, you must exempt the Scotch bishops and take their appointment into the hands of the Crown; or, if not a temporal act, you should abandon this measure. You must do one or the other. Well, Sir, the hon. and learned Solicitor General did not take up a position so broad, so ascending, so commanding. To prove that the act of the Pope was of a temporal, and not solely of a spiritual, character, the hon. and learned Gentleman referred to the Synod of Thurles, who took into their consideration the questions of education, excommunication, and the suspension from ecclesiastical benefices. With regard to the question of education, it is not necessary for me to enter. If their spiritual influence in temporal matters stretches beyond the bounds to which they are entitled by the rights of citizenship, limit them by law, but do not abolish their spiritual office. The hon. and learned Gentleman spoke of excommunication and suspension from the ministry. The Roman Catholics are not the only religious denomination who exercise such privileges. I apprehend that suspension from benefices is perfectly common in the dissenting denominations in England, and in the Free Church of Scotland. Why then is it more of a temporal character in the Roman Catholic Church than it is in any other communication. The suspension of bishops is quite the same with the suspension of the pastors of other sects. It is true that in some cases it may incidentally affect temporal interests; but there is no religious body in the world where religious offices do not in a certain degree conjoin with temporal incidents. It is not enough to show that Roman Catholics in this particular partook of the constitution of every other body of religionists. It must be shown that they did something in regard to temporalities which is peculiar to themselves; and I can venture to say that they have never given proof, and that they have never offered proof, with relation to any details of ecclesiastical machinery, that there was an interference with temporal affairs required by the Roman Catholic Church of any other kind than that which was necessarily incidental to the practice of all religious bodies whatever. But it appears to me that this is a very serious matter, because I am labouring to gather out of this debate, not proofs of insolent language, or matters of that nature, but, if it could be found, a proof of the temporal matters aimed at in the rescript of the Pope, for without that you have not the shadow of a ground upon the principle that you have yourselves laid down for passing this Bill. Well, Sir, then we have heard about the canon law, and if it was the "canon law" in another sense, more alarm could not have been displayed, considering that you cannot explain your own Bill, and that your ablest lawyers have employed themselves in vain to do so. I must confess I entered upon the examination of it with some hesitation and reluctance. But it appears to me that there is abundant matter upon the surface of this question to enable us to come to an opinion. I take this canon law in its worst sense, and I presume that hon. Gentlemen will be satisfied if I take it from Boniface VIII. and Honorius IX., as cited by the hon. and learned Member for the city of Oxford. Does this Bill shut it out? Is there any declaration in this Bill that Roman Catholics are not to be governed by it? No such thing. You had a faint and distant hope given you by the right hon. Gentleman the Attorney General that indirectly by striking out synods, you would shut out the canon law. But the hon. and learned Solicitor General within the last quarter of an hour has dispelled the illusion which you cherished. The hon. and learned Gentleman has distinctly shown that the Bill will have no such effect whatever. But I will not stop short of the principle that has been laid down by my right hon. Friend the Member for Ripon—that, however oppressive this canon law may be upon the laity, let hon. Members of Parliament who are going to vote for this Bill because they are afraid of the canon law, let them know this fact, that it has not the slightest tendency to shut out the canon law. However unreasonable in its operation, I lay down this principle—that it is their affair and not yours. There will be no religious freedom in this country if Parliament is invited to interfere for the professed purpose of redressing the supposed grievances of parties who willingly adopt and submit to them. I cannot conceive anything so monstrously absurd, as that when a number of persons claim religious liberty, that is, the right to form an ecclesiastical system for themselves—for it is their right to belong to any system, from Mormonism upwards—and having framed such a system, and having chosen it, when they find themselves rubbed and fretted by some part of it, they should come to Parliament to rectify their bungling handiwork. If the operation of that system be unjust to any portion of its members, it is a free system. Those members are free men. They do not ask our assistance, and I am bound to say that they do not seek the protection you offer them. Not like other protected interests, they repudiate it, and all they beg of you is, to let them alone. But again, the profound unreasonableness of the argument upon canon law deserves to be remonstrated upon. By what law are the Roman Catholics at this moment governed, and what is the worst thing in the canon law? Is it not this, that it gives too much power to the Pope, and does not introduce enough of the constitutional principle in the government of the Church of Rome? Now, something of the constitutional principle it does introduce. You will not deny that diocesan bishops of the Church of Rome have certain rights against the Pope, and that, under ordinary circumstances, he cannot dismiss them without bringing them to trial; and then the diocesan clergy have also important rights against their bishops. What is the present position of these very men? Why, it is absolute mastery, on the part of the Pope, of their religious liberty, without any stint or limitation. There is nothing which he cannot do. They have not one right of any kind whatever. Every bishop and every layman holds his office or benefice at the sole absolute and arbitrary will of the Pope of Rome. It is true that, in the words of Boniface VIII. and Honorius IX., it is declared necessary for the salvation of every human being to hold himself in entire subjection to the Pope of Rome. But you must recollect that, whatever change you now make, will go far to give these men legal rights, to a certain degree, against the Pope. Well, Sir, we are no judges of the expediency or spiritual necessity of this measure. I feel, I grant, if we are to consult our feelings as members of the English Church, it is a very different matter. It is not agreeable to us. I confess it wounds me, as a member of the English Church, to see hierarchical ascendancy spread over the land. It appears to me perfectly right and legitimate for the clergy of the Church of England, in an ecclesiastical sense, to make these protests. I do not speak of particular language, I speak of the act itself, which is a totally different matter from interfering with the secular rights of the Roman Catholics. That is a question which is now to be decided, and on which I trust the House will well consider the verdict it is about to give. I may be wrong, but my opinion is, that in the unforgotten corners of the land the doctrine of supremacy will reach far enough, and that all these proceedings of the Roman Catholic Church are illegal. When, at the period of the Reformation, statutes were passed declaratory of the common law, and when it was stated that all ecclesiastical jurisdiction should be annexed to the Crown, no exception was permitted to exist. When, by our acts of toleration, other persuasions were allowed to exist, nothing was done to legalise their spiritual jurisdiction. By the Act of Toleration, the worship of God was permitted under certain conditions; but there is no distinct authority for exercising acts of religious jurisdiction, such as those acts of the Wesleyan Conference in the expulsion of Messrs. Dunne and Griffiths. I do not know whether the House is aware of the passage in what is considered a high authority; but you will not be sorry to hear it, as it shows the extent to which, if we take it in the abstract, the doctrine of supremacy may be carried. In 1725, Bishop Gibson, the Bishop of London, wrote to the Duke of Newcastle, who was, I think, then Secretary of State, stating that, in the colony of Massachussets, the Independent Ministers—a persuasion which was on the footing of a tolerated church—had intimated to the Council of the Colony their desire and intention to meet in synods. This question was referred by the Duke of Newcastle to the Attorney General and the Solicitor General—Lord Hardwicke was then Attorney General—to know whether it was legal; and the advisers of the Crown said—

> "We take it to be clear, in point of law, that His Majesty's supremacy in ecclesiastical affairs, being a branch of His prerogative, does take place in the Plantations, and that synods cannot be held, nor is it lawful for the clergy to assemble as in a synod without his royal license."

That plainly proceeds on the principle that all prescriptive Acts extended to dissenting bodies, and were so stringent that they followed even into the colonies, and even in the colonies they were not allowed to meet in synod. And the law officers go on to recommend that if the synod should be sitting when the opinion arrived out, it should not be dissolved, because that might countenance the right of meeting, but that it should be stopped by veto. I am not aware, and I am not able to find out that any distinct Act passed since that date, gives any expressed legality to any act of jurisdiction whatever. That may be so, or it may not. All I will observe is, if you fall back on the doctrine of supremacy in its highest and most rigid form, I protest, for one, against its unequal application. If it is applied to the Roman Catholics, let it be applied also to the Wesleyans and all other bodies. In my opinion, the universal sense of the House would revolt against such applications; therefore, do not extort from the ancient doctrine of supremacy a proposition which is unfavourable to religious liberty, and a partial and exceptional application to the case of the Roman Catholics. There is one important part of the speech of the noble Lord at the head of the Government in which I emphatically agree, and that is where the noble Lord speaks of the great change in the ecclesiastical spirit of the Roman Catholics. We all know that body, as well as others, has laboured under a division of parties—some class of persons taking much more extreme views of centralising the ecclesiastical power in the Court of Rome; others holding principles in form far more comprehensive, and allowing more for ancient law and usage. Of those two parties, I understand the noble Lord to state, and I agree with him—I contemplate it with the greatest regret—that the extreme party has gained great ground within the Roman Catholic communion of late years; and that the moderate party, which we may say was, a hundred years ago, the prevailing party, is now evidently not the prevailing, but only of secondary importance. Well, Sir, I agree with the noble Lord in his statement of the fact, and the sentiment of deep regret with which he regards it. An impression prevails in this country, which the speech of the noble Lord has done much to foster, that this measure we are now considering is a measure intended, and is not only aimed at the Roman Catholic religion as a whole, but especially is a measure to strike at the advance of ultramontane principles. If it were so, I still say it is no affair of ours. I share in the regret and dissatisfaction of the noble Lord; but my opinion still is, it is no affair for this House. But now I am going to take a portion of the case, which has been hardly touched upon on the present occasion, and entertaining, as I do, a strong opinion on the subject, I beseech the House to follow me with a few minutes of patience, whilst I examine, not in the colour of my own prejudices, but by the clear light of history, this important question—What is the real character of the measure now introduced into the Roman Catholic communion? For, Sir, I say you think you are attempting to restrain oppression on the Roman Catholic laity, to repress the views and interest of those extreme principles in the Roman Catholic Church; but I shall show you directly the reverse is the fact, and I shall show it from a series of historical testimonies which I defy you to shake. My assertion, Sir, is this: As in the Roman Catholic communion at large, so within the limits of England there have been two parties since the Reformation, and the division of those two parties has been singularly clear. I am not now speaking of Ireland, but as respects the history of the internal concerns of the Roman Catholics in England. In the reign of Elizabeth, when the pressure of penal laws was at its height, the bulk of the laity and the bulk of the secular clergy pursued one line of secular policy; and the regular orders—most of them, at least, and especially the Jesuits, together with the Court of Rome—pursued another line of ecclesiastical polity. The moderate party in the Church of Rome ever since the Reformation, at every moment of breathing time, have lifted up their voice, and endeavoured to make it heard at the Court of Rome. On every occasion they have been struggling for this measure of diocesan government. The extreme party in the Church of Rome—I do not use the term offensively, but for the sake of brevity—represented by the cardinals and the regulars—have been struggling to resist this measure of diocesan government. Now I ask you to grapple with me, not on the ground of vague impressions, but of facts which I can give you; and if I succeed in proving this part of the case, that ever since the Reformation, for the course of nearly 300 years, the mass of the Roman Catholic laity have been engaged in supplicating for this measure, you will, I think, see that it will be most gross injustice, by interfering by an Act of prohibition, to strengthen the hands of their opponents, on the pretence that ultramontanism will interfere with the accomplishment of these desires. The noble Lord referred the other night to the works of Mr. Palmer, a theologian in the Church of England. This gentleman has written an elaborate and learned book on the Church of England; and he maintains exclusively the rights of the Church of England, and he twits and taunts the Roman Catholics with being no Church. "The Romish community in England is not a Church of Christ." Why not? Because she has not diocesan bishops. How can the noble Lord refuse that to the Roman Catholics which a Protestant writer himself acknowledges to be essential to constitute a Church?

But, Sir, I pass on from that, because I am most anxious to call attention to a series of facts, which substantiate what I say, that the Roman Catholic laity and secular clergy have been struggling to obtain this measure of diocesan bishops, and that they have been always struggling to obtain the measure with the sanction and countenance of the British Government. The British Government has been opposing, until the present moment, the system of vicars-apostolic, and encouraging the Roman Catholics in their efforts to obtain diocesan bishops. Sir, I shall quote facts from Dodd and from Butler, whose fate it was to spend his life in religious controversies, but who never lost the spirit of a peacemaker, as one of those to whom blessings are promised in this life and in the life to come. I shall quote also from Berrington, a Roman Catholic authority. In 1584, when the old episcopacy was broken up, Dr. Watson was then the last Bishop of Lincoln, and thus speaks Mr. Butler:—

> "The gradual failure of the hierarchy was felt, and a plan to divide England into two districts, with certain arrangements of order and subordination, was formed. But to this the regulars objectted, as tending to interfere with their special exemptions and privileges. In 1586 the matter advanced further. There were three plans: bishops in ordinary, bishops *in partibus*, and an arch-priest. The bishops in ordinary was evidently the right plan."

Look what they say with regard to the view the Government took of this measure. What Government? Not the Government of modern Whiggism, which has spent its life in advancing religious liberty; but the Government of Queen Elizabeth desired that any jurisdiction to be exercised over Roman Catholics, should be exercised through the medium of diocesan bishops.

> "In fact, so generally was it understood that the appointment of bishops would be acceptable to Elizabeth and her Ministers, that the Catholic opposers of the measure used this very circumstance as an objection to it, observing that it was impossible to suppose that any plan could be acceptable to their adversaries if they did not foresee that it would essentially prejudice the Catholic religion. At first, however, the whole Catholic

body seems to have been unanimous in favour of the measure."

That is the testimony of Mr. Butler with regard to the disposition of Queen Elizabeth, whose sentiments were tolerably decided with respect to her own religion. In 1598, having failed in obtaining these districts, the secular clergy sent a deputation to solicit the Roman See for the appointment of a bishop in ordinary with suffragans. In 1602 the secular clergy sent a second and third deputation for the same purpose. In 1607 Mr. Butler writes—

> "It appears by a letter of Father Augustine, Prior of the English Benedictine Monks at Douay, that two clergymen, soliciting the appointment of bishops, were then at Rome."

In 1621 James was informed by some of the principal clergy how anxious they were to procure a bishop; and it is added by Berrington—

> "The measure was not displeasing to the King, provided they chose a man of moderate principles, and not disagreeable to himself."

In 1631 the Roman Catholic clergy and laity presented a memorial to the Pope, praying for the appointment of diocesan bishops. In 1635, Panzani, the nuncio or envoy of the Pope in England, in the reign of Charles I., says, "the regulars were busily employed, and making interest that another bishop might not be sent over." In 1657, the chapter appointed to exercise episcopal jurisdiction during vacancies, prayed the Court of Rome to send a diocesan bishop with ordinary power, and they sent a message, "that they dared not accept of any extraordinary authority"—that meant of vicars-apostolic, the title at that time not being known in the Christian world; and the chapter of the Roman Catholics, in 1657, not under the Stuarts, but under the Commonwealth, said they dared not accept vicars-apostolic, because "it would be against the laws of their Catholic ancestors, and against the will of the State." In 1660 the Catholics still had an agent at Rome, Dr. Gage, who represented the laity, and sought the Court of Rome to grant ordinary bishops. They said they would give us vicars-apostolic. Now Mr. Berrington said the title vicar-apostolic, "vicarius apostolicus," was adopted "in order to convey more distinctly that idea of independence, which, jealous of all its prerogatives, the Court of Rome was compelled not to surrender." So far did this disposition of the English Roman Catholics to seek a diocesan episcopacy (not ultramontane, but in the moderate sense) extend, that they actually made up their minds to make application, not to the Pope, but to the Archbishop of Rouen, begging him to consecrate diocesan bishops for them. The Archbishop of Rouen, a prince of the Gallican Church, according to Mr. Berrington, agreed to consecrate a bishop for the Roman Catholics of England. The Court of Rome interfered and prevented it, always holding out the promise of vicars-apostolic. In 1661 there was a general assembly of the Roman Catholics. Again, they prefer the subject of obtaining bishops; and now Charles II., doing exactly as James I. and the Government of the Commonwealth had done, did he command that they should not receive a bishop? No; but not to meddle with, or accept of any extraordinary authority from Rome. In 1665, the clergy prayed against vicars-apostolic, and two reasons alleged were, first, that they were forbidden by the State; secondly, that the laity had declaimed against them, and protested that they could not submit to any jurisdiction of vicars-apostolic. In 1670, exactly the same thing happened. In 1681, there was a most remarkable controversy. At that time the important controversy was going on with respect to the question of the oath of allegiance. The moderate party amongst the Roman Catholics were in favour of the oath of allegiance. The Papal See was against it. The Papal See wanted a lever to work upon the Roman Catholics of England, and induce them to refuse the oath of allegiance; and what lever did it choose? Why, this very subject, and it said, "Unless you will join the Papal See in denouncing and refusing this oath of allegiance, we will not give you the diocesan bishops." Was not that then hardship and injustice? If the Roman Catholics of the present day were engaged in pressing for these diocesan bishops, and if one of the reasons why they could not get them was because of their loyalty to the Crown, which, notwithstanding their reverence for the Pope, would not suffer them to reject the oath of allegiance, was it possible to conceive greater injustice than for us now to say that their seeking for these bishops, which they had been doing for three hundred years, was a mark of want of loyalty, and of a divided allegiance? We now approach the period of the Revolution. In 1685 the Roman Catholics still attempted to obtain these diocesan bishops, and had a long communication with James II. on the subject. They besought him not to admit vicars-apostolic—

> "A government unknown to Christendom, and having no independent power, which was dependent on the Pope's will, and therefore arbitrary and uncertain." [Now listen again,] "And because the government by vicars-apostolic was against the spirit of the ancient laws of England," whereas "an ordinary bishop will be obliged to espouse his Majesty's and the kingdom's interests in the due execution of the said laws." [And lastly,] "that the very name of a vicar-apostolic will raise in his Majesty's Protestant subjects an apprehension of the kingdom's being subjected to the immediate jurisdiction of a foreign Court, against the provisions of which Court, either ecclesiastical or civil, all his Catholic ancestors thought themselves obliged to stand upon their guard." [And James's answer was,] "I will admit of no bishops from Rome, but with ordinary powers, nor shall Mr. Leyburn be received in the character of vicar-apostolic."

Mr. Berrington says this, which does him honour (when James said he would introduce this against almost all the reclamations of the secular clergy)—he indignantly says—

> "Did he think the Catholics of England so depended on the will of the Pontiff, or were so completely a part of his stock, that without their consent he could dispose of them, or give them away, as he may his sheep, that roam for food over the putrid plains of the Campagna, or on the parched sides of the Appenines?"

Now I want to know whether I have given in historical demonstration that, down to the period of the Revolution, the lay Roman Catholics of England were ever seeking this measure of diocesan episcopacy; that the force which withheld it came from the Court of Rome, and was the force of those bodies who were most devoted to the propagation of extravagant doctrines concerning the power of the Papal See; while, on the other hand, the civil Government of England held that they were willing to receive diocesan bishops, and that nothing could induce this country, until we came to the time of the traitor, James the Second, to receive vicars-apostolic? For a hundred years subsequently to the Revolution, I have no evidence on this subject; and I now come to the time when new and penal laws were enacted against the Roman Catholics. They had vicars-apostolic, and they got on as best they could under the oppression of the penal laws. But directly the Roman Catholic body, in homely phrase, got their heads above water—when the era of the repeal and relaxation of penal laws arrived, then again appeared this question of the introduction of diocesan episcopacy. And for what purpose was the agitation started, that we should have diocesan bishops instead of vicars-apostolic? Why, it was that they might consult truly the mind of the British Government, and reward them as far as possible for the boon they had conferred upon them. The great mind of Mr. Pitt had a distinct opinion upon this subject; and I hope the day is not yet come when any of us shall be ashamed of marching under his banner. Mr. Pitt's opinion was opposite to that of the noble Lord at the head of the Government, and opposite to that which I am afraid the majority will affirm here. But I look back upon the prophetic sagacity of that great man, and learn a lesson to be wise in time, from considering the multitude of questions which, with his enlightened views, he would have solved for England, if his power had been equal to his intellect or his will. I will show you the opinion of Mr. Pitt. From direct sources, unfortunately, it is impossible to produce it, as his biographies are so unimportant and imperfect, that I regret to confess I can gain no direct authority from them; but this I can show, what the Roman Catholic body did when they were in direct communication with Government. During the Ministry of Mr. Pitt, we have a Relief Act that was brought out in 1791. In December, 1790, there was a meeting of a committee of English Roman Catholics. Mr. Hussey was sent as deputy to Rome to smooth the way for the Relief Act. People then, as now, were jealous, and in a spiritual and religious sense justly jealous, of the Papal interference, with respect to the government of Roman Catholics by vicars-apostolic, and the interference in this country by the Pope. Mr. Hussey was to endeavour to smooth the way for the Relief Act, and he was to endeavour, also—

> "To pave the way for having bishops in ordinary elected"—[I am going to read words that doubtless you will take advantage of]—"elected by the clergy, on two grounds; first, on account of the great utility of the change in the present circumstances of the English Catholics; secondly, on the supposition that the Legislature might soon require that change to be made."

I won't go into the subsequent history which has been touched upon by my right hon. Friend the Member for Ripon, because there is no doubt that in later years the same thing could be shown to have happened. Sir John Cox Hippisley resided in

Rome, endeavouring to smooth the way for an arrangement between the Pope and the British Government, and he wrote from Rome, after communicating with the Pope's Ministers, to assure the British Government,

> "That the See of Rome was ready to recede from the nomination of apostolic vicars, in whom, at present, was vested the ecclesiastical government of the Catholics of Great Britain, and thus to liberate Her Majesty's Catholic subjects from all vicarial or delegated power."

But it will be said, it was proposed that those bishops were proposed to be elected by the clergy, and that the bishops recently nominated for this county were appointed by the Pope. That is true; I should be better pleased if they were to be elected by the clergy. But you must admit that to get diocesan bishops is a step towards popular election. It is the establishment of a local principle. As long as the system of vicars-apostolic continues, you have the Roman Catholic system wound up to the highest point; by the introduction of diocesan episcopates, you give scope to local principle, and to a class in the Roman Catholic Church, certain fixed and intelligible rights; thus tending, *pro tanto*, to attach them to yourselves, and to detach them from allegiance to the Pope. Still retaining my protest that we have nothing to do with the internal arrangements of the Roman Catholic communion, except to see that they do not invade the temporal sphere, I call upon you to show from history the reverse of what I have stated, that the extreme party amongst the Roman Catholics, the high Papal interest, was the party which arrested the principle of diocesan episcopacy, and that the moderate party, by appeals to the Government of this country, and missions to the Court of Rome, had always affirmed that principle. There are here before us formidable facts. We are told that the high Papal influence gains ground in the Court of Rome, rendering it more and more a close hierarchical system. Now, I presume, it should be a recommendation to any measure that it tended towards freedom, and to stop the baneful tendency of this course of affairs in Rome. Now, my conviction is, that the course which you are taking, so far from having any tendency to stop that course of affairs, has just the reverse. You are annoying the Roman Catholics with a little miniature of a penal law. You have taunted my right hon. Friend the Member for Ripon, and say he has not made up his mind as to whether it is a nullity or a persecution. Now it is not necessary to make up your mind upon that. If it merely puts a declaration upon paper of religious inequality, wanting the insults, then it may be a nullity, as regards giving satisfaction to the public feeling of England; but still it may be a persecution as respects the consciences of the Roman Catholics. Both a nullity and a persecution in their essence may very well be combined, and I believe have been combined in this little Bill. If you wish to exercise a beneficial influence over Roman Catholics, reverse your policy. Take them to you by kind legislation; deal out to them equal justice. Hold them within the sphere of spiritual affairs. Subject to that limitation, deal with them kindly and appeal to their feelings. The Roman Catholics of England have been distinguished by loyalty. There you have something to work upon. Cultivate the principle of attachment to the country and to the Throne; but if you drive them back upon the Pope, and meet them with enactments which show your disposition to go backwards, what do you expect but to find them alienated and estranged in England, where they are few? And on the other side of the Channel, in Ireland, where they have an overwhelming majority, disaffection may be fearfully increased. I might refer to facts which show that these principles are beginning to have their practical application. When you opened the Colleges in Ireland last year, there was much said of division of feelings amongst the Roman Catholic laity. Some portion was disposed to agree with an ecclesiastical authority, and another portion was disposed to take the benefit of the education which was given forth. I hear nothing of that division of feeling now, because you have contrived to band together the whole Roman Catholic body of England and Ireland against you, whether in respect to the Colleges or to the appointment of Dr. Cullen, and you have contrived to unite together against you the Roman Catholic body in a greater degree, almost, than is upon record. Whether we look at the matter in the view of policy or of generosity, our duty is equally clear to resist the present measure. The question really comes to us, will we go forwards or backwards in the matter of religious liberty? I have not knowingly omitted any allegation of the advocates of the Bill which tended to show the interference of the Pope with temporal matters. No such interference has been proved, or attempted to be proved, except in the limited sense incidental to the movements of all religious characters. If it be so, to cite and appeal to the principle of religious freedom is not a mere cant phrase, but it is a stern reality, it is a substantial truth; and I ask you again, will you go backwards or forwards in the career of religious freedom? Have you no faith in your free institutions? Do you think so ill of England—do you think so ill of the national character—do you think so ill of the capacity of your religion to bear the brunt of free competition, as to say that you will now attempt to fence it about with legal enactments, instead of trusting to its own spiritual strength, and to the firmness and depth of your own convictions —above all, to this conviction, that, if the truth is on your side, God will give you the victory? Oh, Sir, I hope you will cast away the unworthy means of fencing about that which, if it required to be so fenced, would be little worth defending. It is useless to say that this is a trifling retrogression. Of course it is. All such retrogressions begin by small measures. But what security have I, if I vote for the second reading of this Bill—if I desert the broad and strong ground of principle that leads me to abide by the religious principles of all classes of the community —what security have I that other more formidable measures may not be in the background, and that for another half century the question of civil disqualification and religious liberty is not to absorb the time of the British Parliament, divide the minds of the British public, unseat Ministers, dissolve Parliaments, and interrupt the regular progress of civil legislation. It is said that the character of the noble Lord is a security that we shall have no such retrogression. If you tell me that his pledge on this subject, and the uniform course of his life is such a security, I tell you that I once thought it was. But if you prophesy that the noble Lord will not proceed to prohibit the synodical action of the Romish Church, and will not proceed to reintroduce that system, far more hateful than a system of impartial proscription —a system of exceptional proscription—I ask you what you would have thought in the year 1845, if it had been foretold that the noble Lord would on the 25th of March, 1851, recommend to the House the second reading of a Bill to prohibit Roman Catholic ecclesiastics from bearing titles? How many men are there in this House who would have believed the prophecy if it had been made at that time? I do not think you could count them by units. I never heard a more impressive passage delivered by any speaker than one passage in the speech of the noble Lord upon the second reading of the Bill enlarging the endowment of the College of Maynooth. The noble Lord referred to some lines of Virgil, which the House will not regret to hear:—

> "Scilicet et tempus veniet, cum finibus illis
> Agricola, incurvo terram molitus aratro,
> Exesa inveniet scabrâ rubigine pila:
> Aut gravibus rastris galeas pulsabit inanes,
> Grandiaque effosis mirabitur ossa sepulchris."

And he said (I cannot give his exact words), upon the scenes where battles have been fought, the hand of nature effaces the ruins of man's wrath, and the cultivator of the soil in future times finds there rusted arms, and looks upon them with joy as the memorials of forgotten strife, and as enhancing the blessings of his peaceful occupation. The noble Lord went on to say in reference to the powerful opposition then offered to the Bill for the endowment of Maynooth—it seems that the strife upon the question of religion is never to fail, and that our arms are never to rust. Would any man who heard the noble Lord deliver these impressive sentiments have believed that the strife with regard to religious liberty was to be revived not only with a greater degree of acerbity in the year 1851, but that the noble Lord himself was to be a main agent in its revival—that his was to be the head that was to wear the helmet, and his the hand that was to grasp the spear? My conviction is that the question of religious freedom is not to be dealt with as one of the ordinary matters that you may do today and undo to-morrow. This great principle which we have the honour to represent, moves slowly in matters of politics and legislation; but, although it moves slowly, it moves steadily. The principle of religious freedom, its adaptation to our modern state, and its compatibility with ancient institutions, was a principle which you did not adopt in haste. It was a principle well tried in struggle and conflict. It was a principle which gained the assent of one public man after another. It was a principle which ultimately triumphed after you had spent upon it half a century of agonising struggle. And now what are you going to do? You have arrived at the division of the century. Are you going to repeat Penelope's process, but without Penelope's purpose? Are you going to spend the latter half of the nineteenth century in undoing the great work which with so much pain and difficulty your greatest men have been achieving during the former? Surely not. Recollect the functions you have to perform in the face of the world. Recollect that Europe and the whole of the civilised world look to England at this moment more than they ever looked before, as the mistress and guide of nations, in regard to the great work of civil legislation. And what is it they chiefly admire in England? It is not the rapidity with which you form constitutions and broach abstract theories. On the contrary, they know that nothing is so distasteful to you as abstract theories, and that you are proverbial for resisting what is new until you are assured of its safety and beneficial tendency. But they know that when you make a step forwards, you keep it. They know that there is reality and honesty about your proceedings. They know that you are not a monarchy to-day, a republic to-morrow, and a military despotism the third day. They know that you are free from the vicissitudes that have marked the career of neighbouring nations. Your fathers and yourselves have earned this brilliant character for England. Do not forget it. Do not allow it to be tarnished. Show, if you will, the Pope of Rome, and his Cardinals, and his Church, that England as well as Rome has her *semper eadem;* and that when she has once adopted the great principle of legislation which is destined to influence her national character and mark her policy for ages to come, and affect the whole nature of her influence among the nations of the world—show that when she has done this slowly, and with hesitation and difficulty, but still deliberately, but once for all—she can no more retrace her steps than the river that bathes this giant city can flow backward to its source. The character of England is in our hands. Let us feel the responsibility that belongs to us, and let us rely on it, if we make this step backwards, it is one we shall have to retrace with pain. We cannot turn back the tendencies of the age towards religious liberty. It is our business to forward them. To endeavour to turn them back is childish, and every effort you may make in that direction will recoil upon you with disaster and disgrace. The noble Lord at the head of the Government appealed to the Gentlemen who sit behind me, in the names of Hampden and Pym. I have great reverence for the names of Hampden and Pym, in one portion at least of their political career, because they were persons energetically engaged in resisting oppression. But I would rather have heard Hampden and Pym quoted on any other subject than one which relates to the mode of legislation, or the policy to be adopted in dealing with our Roman Catholic fellow-citizens, because, if there was one blot on their escutcheon—if there was one painful — I would almost say odious—feature in the character of the party amongst whom they were the most distinguished chiefs, it was the bitter and ferocious intolerance which in them became the more powerful because it was directed against the Roman Catholics alone. I would appeal in other names to Gentlemen who sit on this side of the House. If Hampden and Pym were friends of freedom, so were Clarendon and Newcastle, so were the gentlemen who sustained the principle of loyalty while the principle of freedom was sustained by those whose names were quoted by the noble Lord. If he appeals to you in the name of Hampden and Pym, I appeal to you in the name of the great men to whom Hallam says, "we owe the preservation of the Throne of this ancient monarchy" in favour of the Roman Catholics. They were not always seeking to tighten the chain and deepen the brand. Their disposition was, to relax the severity of the law, and attract the affections of their Roman Catholic fellow-subjects to the constitution, by treating them as brethren. I hope my appeal in their name will be equally appropriate to the appeal made by the noble Lord in the name of Hampden and Pym. We are here strong in the consciousness of a strong cause. The hon. and learned Gentleman the Member for Midhurst said he could claim justice on his side. He has an eloquence that bids fair to earn for himself a place in the front rank of Parliamentary discussion. He has, on this occasion, the advantage of being sustained out of doors by strong popular feeling, and in this House by a compact organisation of the two great parties which constitute the Government and the Opposition. We, the opponents of the Bill, are a minority, insignificant in point of numbers. We are more insignificant, because we have no ordinary bond of union. What is it that binds us together against you but the conviction that we have on our side the principle of justice—the conviction that we shall soon have on our side the course of public opinion? ["Hear!" *and* "Oh, oh!"] I am not conscious of having spoken offensively; I hope difference of opinion is allowed. I am sure I did not wish to say a syllable that would wound the feelings of any man. But I say that we, minority as we are, are sustained in our path by the consciousness that we serve both a generous Queen and a generous people, and that the generous people will recognise the truth of the facts we present to them. But, above all, we are sustained by the sense of justice which we feel belongs to the cause we are advocating, and because we are determined to follow that bright star of justice beaming from the heavens whithersoever it may lead.

MR. DISRAELI: Sir, I have borne a sincere testimony to my desire not to intrude upon the House, by last night voting against the adjournment of the debate; and I hope, under these circumstances, late as is the hour, and considering that few of those Gentlemen with whom I have the honour to act have addressed the House —trusting perhaps to my feeble expression of their views on the subject — I hope I may be allowed the opportunity, with extreme brevity, of expressing my views as to the general question which has been mooted, and as to the particular measure which is now offered to our consideration. We have been informed by the Minister that an aggression has been committed on the supremacy of the Sovereign and the honour of the nation; and by the same means that this information was conveyed to us, we were apprised that that aggression had been committed by a Prince of no great power. Following this intimation of the noble Lord, the hon. and learned Member for Sheffield talks of a poor and feeble priest; and more than one hon. Gentleman have taken opportunities of reminding us that the present possessor of the Papal See is surrounded by French bayonets; and they have founded upon those reiterated circumstances a reason for countenancing that aggression which the Government announces to have taken place. Let me remind the House that more than three centuries ago the Pope of Rome was not only supported, if I may use that expression, by French bayonets, but that Rome itself was taken and sacked by a French Prince, and that the Pope of those days suffered indignities greater than any that have been experienced by Pius IX., and humiliations more intolerable than ever Pius IX. was called upon to endure. And yet since that period the greatest achievements of the Papal See have occurred; and since that period, and since the endurance of those vicissitudes and humiliations, notwithstanding the strong will of Henry VIII., and the pure spirit of Edward VI., the Protestant Establishment of England was subverted; and, had offspring been granted to Philip and Mary, I might perhaps have at this moment been addressing a Popish Speaker of a Popish Parliament. No, Sir, whatever opinion we may form of this aggression, it is not wise to despise the Power which may have committed it. I deny that this Prince is a Prince of no great power. I say he is a Prince of very great, if not the greatest, power. I will not dwell upon those millions of his subjects of whom we have heard so often during this debate, but I must remind the House that, independent of that circumstance, between the regular and the secular clergy, the Pope has under his command one million of priests, governed by one thousand bishops, and archbishops to be counted only by the score, the generals and lieutenant-generals of this disciplined host. And, Sir, is this a Power which we are to be told is to be treated in the same manner and viewed in the same spirit as a Wesleyan Conference? Is this a Power which is to be associated with the last invention of Scotch dissent? Sir, when I listened to the ingenious reasoning with which these false and fallacious analogies were attempted to be supported, I for a moment supposed that it was only a display of dialectics calculated to adorn a debate; but when I remembered the great position and eminent talents of those who put them forward, I could not but suspect that there was concealed under it an object of more pregnant interest. And, indeed, Sir, it is scarcely concealed by the right hon. Gentleman who has just addressed us; for he says, if you apply this doctrine of the Queen's supremacy to the adherents of the Roman Catholic communion, on what principle can you refuse to apply it the Wesleyan Conference or the Scottish Church? But, Sir, the converse of that proposition is also equally true; and Sir, if the interpretation of the principle of religious liberty, announced at the present day by the Church of Rome, and adopted by the right hon. Gentleman and the Member for Plymouth, be accepted and countenanced by this House, then, I ask, on what plea can you resist the application of that principle not only to the Church of Rome but also to the Church of England? On what ground can you vindicate the restrictions you impose on the Church of England? Why is she not to have the command of her own internal strength and resources? Why is she not to have her synodal action? Why is the Church of England alone to acknowledge the supremacy of the Queen? Sir, amidst this sea of troubles in which we are embarked, that principle of the Royal supremacy has always seemed to me our only guiding light; but the only inference we can draw from the new philosophy with which we have been favoured in so many shapes, on so many nights, by the right hon. Gentleman and his friends, is, that they are opposed to the principle of alliance between Church and State—an alliance which I believe the House of Commons, at least, is not yet prepared to sever. I cannot deal with this question, of what is called by the Minister of the day "Papal Aggression," by the abstract principles which have been so adroitly introduced into this discussion. I must look to the circumstrances which surround us, and they are of a very significant character. I observe on the one side an acknowledged and a great revival of Romanism throughout Europe. No one denies that there is a counter-revival of Protestantism throughout England. What may be the consequences of that struggle which some think impending—which, from the tone of the right hon. Gentleman, and the right hon. Gentleman the Member for Ripon is, I suppose, in their opinion inevitable throughout Europe—I pretend not to say. The circumstances are so complicated, the possible catastrophe so awful, that one shrinks from the attempt to form an opinion of so terrible a contingency. But what may be the consequences of that struggle in our own country is a subject on which every man in this House and country may be qualified to form a judgment. I confess that the possible result is one which makes me shudder, and I think the Government of the day are only doing their duty, if, it being their opinion that such a contest is about to take place in this kingdom, between Romanism and Protestantism, they come down and propose a measure, or advise a line of policy which, in their opinion, is qualified to prevent the mischief, and to counteract the evils that they deem impending. And now, Sir, I come to inquire whether this measure of the Government is competent for such an office—whether, if the circumstances which the Government have detailed to the House be as they have explained, the measure is calculated to prevent the mischief they contemplate? The noble Lord, in introducing the measure, made a speech which produced a considerable effect. I remember that at the time I ventured to say, that the noble Lord's proposition was not equal to his proem—that the measure as detailed by the noble Lord asserted no principle, and vindicated no principle. Eight-and-forty hours afterwards we had another version of the measure, which had not then been introduced, from the chief law officer of the Crown; and in the version which was then given of the intended measure, it assumed a more important character. Mr. Attorney General informed us that the measure would not merely deal with titles illegally assumed by Roman Catholic prelates, but that it would interfere with bequests and endowments; and he reminded me—I will not say in a tone of reproof, but I must say of considerable self-complacency—that I would find that synodal action was dealt with in the measure. What was the third movement of the Government? All the protestations of the Attorney General were suddenly withdrawn, and we were told that we were to discuss a Bill containing virtually only one clause; and when the Secretary of State made this announcement on the part of the Ministry, he scarcely concealed his opinion that the law would be inoperative in Ireland, and that it would be evaded in England; but he contended that there was a necessity for passing this measure as a demonstration and a protest. Now, I ask the House what could be a more triumphant vindication of the policy recommended by Lord Stanley? If the best course was to publish a protest in the face of Europe, would not that protest in the shape of Resolutions carried to the foot of the Throne by the two Houses of Parliament on the day of their meeting, have been more calculated to affect the public opinion of Europe, and to sustain the spirit of England, than a project of law, which, in the course of six weeks, has undergone numberless transformations —which is now acknowledged by its projectors to be inefficient—and the fate of which, after so long an interval, is more, perhaps, than doubtful? I want very briefly to place before the House the reasons why

I disapprove of the Government measure; and the first of those reasons is this, that by implication, it admits that the conduct of the Cardinal, of which we complain, is not illegal. That conduct must either be legal or illegal. If it is legal, then he has not offended. If it is illegal, why not deal with him by law? But I am told you cannot deal with him by law, because the law is obsolete. Sir, an obsolete law is one which deals with circumstances which no longer exist, and which cannot again occur. But the circumstances of the present case are fresh and flagrant. The law is ancient, but it is not obsolete; and it is treason against the liberties of England to pretend that our ancient laws are obsolete, because all our liberties depend upon ancient laws. The reason why I object to this Bill, secondly, is, that it attempts to legislate against phrases and not against facts; it attempts to legislate against titles. Now this, I think, is clear, that if you pass this law, no person who could be subjected to its penalties would ever place himself in a position where he might be liable to them—yet not the less will he use the titles and exercise the influence consequent upon this assumption. The whole thing is founded upon a fallacy; because if you choose to legislate against these titles, of which I disapprove, you ought not to legislate against the assumption of these titles by bishops of the Romish Church, but against the ascription of titles of honour and dignity to them by Her Majesty's Ministers. What a mockery, when Her Majesty's Ministers themselves begrace and be-lord these individuals, that they should now propose penal enactments because they are treated by the rest of Her Majesty's subjects with respect and honour! The Secretary of State for the Home Department tells us, in defence of his conduct, that the ascription to them of these titles was an act merely of social courtesy; but social courtesy has proceeded so far in our Colonies as to give them coordinate authority with the bishops of our own Church. Therefore, I say, that nothing can be more futile than to legislate against this assumption of titles, and not against the ascription to them of titles by the Government. I said also — and this is the last point on which I shall trouble the House—I said, on the first occasion, when the Bill was introduced by the Minister, that it asserted no principle; and that is a position which will not now be questioned. It would have asserted a principle, if it had laid down a rule that no person should accept any place or dignity, employment or office, ecclesiastical or civil, from any foreign Prince, except with the consent of Her Majesty. That would have been a principle—that might have been the foundation of a national enactment. It would have taken the form of a statesmanlike precaution, instead of the present measure, which appears to be a mere spiteful enactment against Popery. Such a measure would have included the Romish bishops in a clear and sensible manner. But then it might be said, that to require the assent of the Crown, would be the same as giving the Crown a veto. I will not detain the House at this late hour by any discussion on the subject of a veto; I will only remark the consent of the Crown would not be equivalent to a veto. A Roman Catholic bishop would receive his appointment as a matter of course; he would receive it on doing that which every Gentleman does when he takes his seat in this House, namely, taking the oaths appertaining to the office he is about to fill.

I feel it utterly impossible, after this protracted debate, after the able and elaborate address which we have just heard, and at this late hour of the night, to enter into this discussion as I would wish. I confess I feel very great difficulty in attempting to criticise the measure of Her Majesty's Government. The relations between me and the noble Lord are not favourable to candid criticism. If the noble Lord were indeed "my noble Friend," if there subsisted between us relations of friendship, even of "affection," then I might avail myself of the happy privilege of mutual sensibility, and he may rest assured that I would spare neither his policy nor his feelings. And this reminds me that, while I have been attempting to prove that this measure of the Government is really inefficient, and one for the second reading of which I shall only vote, for the reasons already expressed by my hon. and learned Friend—not in any way pledging myself to the ultimate support of the Bill before the House; this reminds me that while I am expressing my opinion that this Bill is utterly inefficient—that in England it will be evaded, and in Ireland be inoperative; a high authority has treated it in a very different spirit, and described it in very different language. I heard that this Bill was to be opposed because it was a reversal of a policy, I have heard this phrase before. I remember two years ago making a very moderate proposition to mitigate the burden of taxation upon one suffering class of Her Majesty's subjects, and the right hon. Baronet the Member for Ripon—then my opponent, as he is now the opponent of the Government—opposed that proposition, because it was the "reversal of a policy." But on that occasion the pretext appeared so monstrous that it was not swallowed even by the right hon. Gentleman the Member for the University of Oxford. On the present occasion, however, the reversal of a policy is to bring with it very serious consequences. The consequences are to be inevitable and immediate, and those consequences are no less than a civil war in Ireland. I heard that announcement with some apprehension, but I heard it with more surprise. The right hon. Gentleman reminded the House of the state of Ireland in 1829. He said, you escaped civil war then, but you will not escape it now if you proceed with this measure. He drew an analogy between the state of Ireland in the year 1829, and the state of Ireland in the year 1851, and according to his reasoning the analogy was complete. I ask the House if the analogy is just—if it is complete—if it is true? If so, what has been the use of all those great measures for the amelioration of Ireland which successive Ministries of all parties for twenty years have agreed in proposing in this House? If the state of Ireland in 1851 is the same as it was in the year 1829, what use was there in granting complete political equality to the Roman Catholics? What was the use of reconstructing the Church Establishment in Ireland? What the use of abolishing tithes, and of raising that great system of national education which was founded by Lord Stanley? What the use of granting that large measure of municipal reform, throwing open the corporations to all creeds, and with a franchise so low that it was opposed by the right hon. Gentleman? Of what use are those new colleges and that Roman Catholic university that you so munificently endowed? What is the use of having done that for Ireland which you did not do for England, in revising the political franchise given by the Reform Bill, if it be true that Ireland, in 1851, as in 1829, is on the verge of a rebellion? I have too much faith, I will not say in the loyalty, but in the common sense, of the Irish people, to believe it; but if it were true, were the lips of the right hon. Baronet the Member for Ripon the lips from which such intimations should be circulated? I make these observations because the right hon. Gentleman is no inconsiderable person; he is one of our foremost men, and, according to the not over-delicate intimations of his friends, is soon to occupy a still more responsible position. The right hon. Gentleman wears the white robe—he stands in the forum as a candidate for the consulship — and it will be just as well, therefore, if the people of this country should consider a little his announcements — strange and singular — in the course of this Session. I propose one day a remission of taxation, and the right hon. Gentleman threatens me with a mutiny in the Army. Some elections take place not very favourable to the views of his limited but accomplished school, and he threatens us with Parliamentary reform. A measure is brought forward, which, according to the description of the Minister, is to resist foreign aggression, hostile to the honour of the nation, and to the supremacy of the Sovereign; and the right hon. Gentleman says, "You will have a rebellion in Ireland." Now I say these are three very remarkable declarations to be made by one man in the course of eight weeks. They should be well considered. Are they calculated to calm the anxious, to encourage the timid, and to protect those who are peaceably inclined? Is the right hon. Gentleman, after all, with this programme of his policy, exactly the "pilot to weather the storm?" There was, indeed, one great measure for the pretended amelioration of Ireland, which, in the course of the last twenty years, was not successful, and it was proposed by the head of the present Ministry. It was a measure that would have despoiled the Protestant Establishment of part of its revenues, in order, as it was practically understood, to partially endow the Roman Catholic clergy in Ireland. It was brought forward by the noble Lord at the head of the Government, and it was mainly defeated by the right hon. Baronet the Member for Ripon. It shows how little we are acquainted with that which takes place about us, how difficult it is to form an accurate conception even of contemporary events, even of those in which we ourselves mingle, when it was reserved for this debate to inform the House and the country what was the motive which induced the right hon. Gentleman to take the course which he then pursued. It appears now that the opposition to the Appropriation Clause on his part was entirely and solely impelled by an abstract objection to endowments. I wonder whether that was the motive which animated Lord Stanley—he was then the companion of the right hon. Gentleman; they stand together in their chivalry, but neither the House nor the country was in the secret, nor believed that the opposition was founded on— ["Question, question!"] I am speaking to the question; this subject has been introduced by the right hon. Gentleman, and [*turning to the interruptor*] I saw you cheer him. It was not until the other night that we heard that this opposition to the Appropriation Clause was animated merely by an abstract objection to endowments. If we had heard that reason given by any one else, we might have supposed that it came from one of those titular archbishops with whose correspondence the right hon. Gentleman favours the House, or, for ought I know, even from the general of the Jesuits himself. But what an insignificant cause for the great events it produced! Was it for this that the Cabinet of Lord Grey was subverted? Was it for this that the right hon. Gentleman enlisted under that Conservative banner which he has so faithfully served? I do not believe in civil war in Ireland. I agree with the right hon. Gentleman the Member for the University of Oxford, who has just addressed the House, that the principle of religious liberty is too deeply impressed upon this age for any one to endanger it, or to make its pretended peril an excuse for outrage. It is utterly impossible that Ireland can be again governed, openly or covertly, directly or indirectly, on the principle of Protestant ascendancy; but equally certain it is, that no Government can exist which is not faithful and devoted to the Protestant constitution of this country. In its maintenance are involved greater interests than the existence of a Government—the fate of a Crown, and the destinies of an empire; and, trust me, among all the blessings which it insures to us, not the least important, and not the least precious, are—the civil and religious liberties of the Roman Catholics themselves.

SIR GEORGE GREY rose to reply, and said that at that late hour, and after the protrated debate they had listened to, he was unwilling to trespass on the attention of the House, but he felt it his duty to make some observations in reference to some of the arguments which had been employed. He felt it impossible not to be struck with the fact that among the most able and distinguished opponents of this Bill, who had displayed considerable talent, and he must add considerable sophistry, in urging their objections to the course taken by the Government, there had been a remarkable absence of any one fixed or definite principle upon which these objections rested. It was said that there were embodied in this Bill principles opposed to those of religious freedom; but he (Sir George Grey) challenged any man to point out those principles. He entirely agreed with the right hon. Gentleman the Member for the University of Oxford in the principle which he laid down, as the one which ought to guide us in dealing with this question, namely, that we must deal with it on the grounds of imperial policy. He entirely concurred with the right hon. Gentleman, that so far as the spiritual progress of the Roman Catholic Church by spiritual means was concerned, we should be departing from the rules by which our legislation ought to be governed if we attempted to fetter by law the progress of that religion, or to place it under any disadvantage in its appeal to the feelings and conscience of the people of this country. He held that while we entertained a deep and firm conviction of the truths of our own religion, and would naturally desire to propagate those truths by impressing them on the minds and convictions of others, we ought to allow to others the fullest extent of freedom and equality in the use of those means which we claimed for ourselves, however much their religious sentiments might be opposed to our own, and however much we might think they involved of religious error. And while on this subject, he could only say that on one account he could not regret the recent act of the Pope, evoking, as it had done, that ardent spirit of attachment to the Protestant faith which had been recently manifested by the nation, drawing together by closer bonds of connection the different denominations of the Protestant community—not to force the Legislature to adopt measures of undue restriction against our Catholic fellow-subjects, but in order to present a closer phalanx of opposition, by means which they were bound to use, and might legitimately use, in common with their Catholic fellow-subjects, against what they believed to be religious error. But the question of religious error and religious truth was not a question which they had a right to discuss on the floor of the House of Commons, and he deeply regretted that anything had been introduced to give a polemical character to these debates. In dealing with this question there were two points to be examined: first, has there been such an aggression on the sovereignty of the Queen of the realm and on the independence of the nation involved in the recent act of the Pope as calls for the interference of Parliament? And, next, is the measure which the Government proposes, one that Parliament ought to adopt? On the first of these questions he was struck with the remarkable differences of opinion expressed by right hon. and hon. Gentlemen who, in coming to the same conclusion, have differed widely in the premises by which they have arrived at it. The hon. and learned Member for Plymouth, in a speech, to the ability of which in common with all who had heard it he was willing to do every justice, had defended the act of the Pope as being based on the principles of religious freedom; had denied that it was against the law of nations, and said that it was not only an act which the Pope had a right to perform with the view to complete the organisation of the Catholic Church in this country; but he compared that organisation to the organisation of the Free Church of Scotland, and to that of the Wesleyan body in England; and, of course, the conclusion which he logically drew from the premises which he laid down was, that Parliament ought to be utterly indifferent to this attempt, and that the matter was wholly one that was foreign to the scope of legitimate legislation. The hon. Member for Liverpool (Mr. Cardwell) who followed next, taking very different premises, arrived at the same practical conclusion as to the vote he should give on this question. Instead of saying that the act of the Pope was defensible, he said he had a stronger sense of the aggression that had been committed than any that the Government had expressed, and that his quarrel with the Government was not that it did too much, but that it did too little. He objected to a small religious war, but was quite ready to enter on a great one. Then came the right hon. Gentleman the Member for South Wilts (Mr. S. Herbert) who, adopting the same line of argument as the hon. and learned Member for Plymouth, dissented from him to this extent, that he intimated the opinion that some legislation was necessary, but that it should be directed not against the subjects of Her Majesty, but against the Pope himself. He (Sir G. Grey) did not know what sort of legislation the right hon. Gentleman had in view, because he could not suppose they could legislate effectively against the Pope in any other way than by subjecting to penalties those of Her Majesty's subjects who should contravene the law. But the right hon. Gentleman had adopted a tone which caused him some surprise: he had asked how our civil, our political, or our religious state had been affected by the act of the Pope; and then he went on to claim for the Pope the gratitude of this country, because by substituting diocesan bishops for vicars-apostolic he had limited his own authority, and consulted the independence of the nation. He was, he confessed, somewhat surprised that the right hon. Gentleman should have adopted that line of argument, because that was not the first occasion that the right hon. Gentleman had placed on record his sentiments with regard to the Papal aggression. He (Sir G. Grey) held in his hand a newspaper published in Wiltshire, in which he found a report of the proceedings of a public meeting of the inhabitants of the county of Wilts, which was held on the 6th of December, 1850, from which the following was an extract:—

> "'In order to take into consideration the propriety of giving expression to the almost universal public feeling with regard to the recent proceedings of the Roman hierarchy, by the adoption of an Address to our gracious and beloved Queen, by petitioning both Houses of Parliament, and by the adoption of such other measures as may be considered advisable,' the high sheriff of the county in the chair. It was moved by the Hon. Sidney Herbert, seconded by the Rev. the Dean of Sarum, 'That this meeting regards with profound indignation the present attempt of the Court of Rome to establish, by the authority of a foreign potentate, a Roman Catholic hierarchy in England; that it considers this aggression on the Protestantism of this nation to be repugnant to the spirit of the constitution of this realm; that it involves an unwarrantable usurpation of the Royal prerogative, and a gross insult on the British people; and that it imposes, therefore, on all who value the blessings to the country of its Protestant institutions, the duty of uniting promptly, firmly, and uncompromisingly in the most determined resistance."

Such were the opinions embodied in the resolution which was moved by the right hon. Gentleman. It was not a sudden impulse that had prompted the right hon. Gentleman. The subject had been before the country for nearly two months, and the Press was teeming with pamphlets relating to it. [Mr. S. HERBERT: Hear,

hear!] The right hon. Gentleman cheered, as much as to say that he still entertained the opinions expressed in that resolution. If so, he (Sir G. Grey) could only say that the right hon. Gentleman most imperfectly expressed them in his speech the other night. He understood that speech to be an apology for, if not a defence of, the act of the Pope, which was condemned so emphatically in the words of the resolution to which he had just referred. Perhaps the right hon. Gentleman would say he "was ready to unite in an uncompromising and determined resistance" to Papal aggression by measures which he approved. Well, if so, that was not at all contained in that Wiltshire newspaper. An address was agreed to by the same meeting—

Mr. S. HERBERT: He could save the right hon. Baronet much trouble, if he would allow him to say that he had distinctly declined to sign the Address, because he could not agree in its sentiments.

Sir G. GREY: Well, then, he had nothing more to say on that subject, except that the Address very closely corresponded to the language of the resolution. But the meeting had also agreed to petition Parliament—he did not know whether unanimously—praying Parliament to take measures to prohibit the use of titles, whether civil or ecclesiastical, implying temporal power, conferred by any foreign prince or potentate, and also to prohibit the introduction of Papal bulls against the Royal authority. He had referred to those documents in order to show that the right hon. Gentleman was not a very safe guide to trust to when he asked the House to reject this Bill on the grounds he had stated. Then followed from the same quarter the right hon. Baronet the Member for Ripon (Sir James Graham), who began by making a large admission, that first the language of the Papal brief and the Cardinal's pastoral was arrogant in the extreme, and offensive to the Protestantism of the nation; and further that the act of the Pope was not one that the Government could pass over with indifference, or with the contempt recommended by several of his friends about him. The right hon. Baronet passed in review the various propositions made from different quarters for meeting the aggression of the Court of Rome, but, it would be remembered, without committing himself to the approval of any one of them, and leaving the House in total ignorance of the course which an individual occupying his distinguished position would recommend. He threw cold water on the proposition for a proclamation from the Sovereign, and distinctly dissented from the suggestion for sending a fleet to Civita Vecchia or Ancona; and the only course he seemed to favour—which he would do the right hon. Gentleman the justice to say he believed he would be the last man seriously to recommend, was the revival of the Act of Præmunire, and arraigning the Archbishop and his suffragans before the criminal bar of this country upon an indictment upon an old and obsolete statute which, without notice, and in the belief that the statute had fallen into disuetude, would subject them to the loss of all their goods, and to indefinite imprisonment. The hon. and learned Member for Abingdon (Sir F. Thesiger) who, although he proposed to give Ministers his vote, was one of the strongest opponents of their measure, distinctly recommended the revival of that ancient statute. That, however, was a course which the Government did not feel it their duty to adopt, for the reasons which had been stated by his noble Friend (Lord J. Russell). The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) characterised the Papal rescript as uncourteous, and calculated to give needless offence; and his remedy was, that if the law of nations had been infringed, diplomatic relations should be established, and an ambassador sent (as the noble Lord near him had said), cap in hand, to ask the Pope to withdraw his brief, which they were told by every Catholic who had spoken, could not be withdrawn; and at the same time telling the Court of Rome that unlike the case of any other insult offered to this country, if the document was not withdrawn, no legislation could be adopted on the subject, and no coercive measure would be resorted to if necessary to enforce redress. But, returning to the analogy drawn by the right hon. and learned Member for Plymouth between the Catholic Church and the Wesleyan body, and the Free Church of Scotland, the hon. and learned Gentleman had entirely overlooked the essential distinction inherent in the Catholic Church, which separated it from all other denominations of religion of a domestic character. There were points of essential difference between the present case and the others to which it had been compared;

namely, that this organisation of the Roman Catholic body in this country had proceeded from a foreign Power, and from a foreign Power without any communication had with the Sovereign authority of this realm, and without its sanction, approval, or consent; and again from a foreign Power which, though asserting itself to be a spiritual Power, had, from its origin to the present day, been characterised by a mixture of temporal and spiritual jurisdiction, of which itself claimed to be the sole judge; a power, moreover, which asserted claims of universal dominion, without any recognition of any other authority, civil or religious, than its own. Let the right hon. Gentleman reflect on the extracts from the Papal documents which had been read by the noble Lord the Member for Bath, and the hon. and learned Member for Midhurst. He asked whether any man, accustomed to weigh the language of public and official documents, could read those passages without seeing in them a claim to temporal as well as spiritual jurisdiction? The hon. and learned Member for Oldham said, no doubt the Pope was a foreigner, but that was a mere accident, to be rejected from the consideration of the question. But it was impossible so to reject it. He regarded it as being the very essence of the question. It was because this was the act of a foreign Power, that it was impossible for Parliament to leave that point out of its consideration—a foreign Power which took upon itself to lay down rules and regulations for the guidance of British subjects—to parcel out the country into dioceses, and to appoint persons to govern them by delegation from the See of Rome, without any communication with the Government of the country. It was that which roused in the people of this country the same spirit which had actuated our forefathers, both in Catholic times and subsequently from the Reformation to the present day, and induced them jealously to guard its independence against foreign aggression. The hon. Member for Plymouth said that this was not contrary to the law of nations, and he supported this proposition by reference to the example of Belgium, as a country where the Church was free, and the bishops were appointed to territorial sees by the Pope, without the sanction of the State; but it had been pointed out by other speakers that in this case, these powers were exercised by the Pope, not against the State, not without the consent of the State, but under direct contract with, and therefore by authority of the State. Were they to be told that because a particular State chose to waive a right possessed in common with other nations, this was to deprive any other State of the right of insisting on the law in defence of its internal liberty and constitution? He said that in no country in Europe did Papal interference take place without its being either in accordance with the State, or in virtue of a direct law, authorising such interference. In no one of all the instances adduced by the right hon. Gentleman the Member for the University of Oxford with so much research and ability, of proposals made in former times to introduce the hierarchy into this country in compliance with the desires of the Roman Catholic body, was any such proposal entertained by the Pope without reference to the British Government, and without some communication of the intention being made to the Government, and their opinion being ascertained with regard to it. The instance quoted in the time of James II. merely went to this—that the King declared that "this measure of substituting diocesan bishops for vicars-apostolic would not be disagreeable to him, provided that the bishop was a moderate man, and not unacceptable to the king." It did not require all the learning and information of the right hon. Gentleman to know that this was a project which had been entertained and discussed over and over again; but there had always been a resistance on the part of this country to admit that change except on conditions which the Government of this country held to be compatible with the security of its liberties, and which would have raised barriers against the encroachments of the See of Rome, and the establishment of an uncontrolled authority within this realm. This brought him to notice a remarkable error made by the right hon. Baronet the Member for Ripon in dealing with the same subject. The right hon. Gentleman stated that in 1812, Sir John Cox Hippisley, being in the confidence of the English Roman Catholics, and also in communication with members of His Majesty's Government, proposed with their consent at Rome, the very change now made by the establishment of diocesan bishops; and he inferred from that, that after the desire then expressed by the British Government, it would be monstrous to suppose that the Pope could conceive that any injury or insult would be committed by him in appointing bishops of his own proper authority. The facts of the case were most incorrectly stated by the right hon. Gentleman, owing, he presumed, to his not having had recourse to correct sources of information. Even if such a proposal had actually been made in concert with the British Government, it would have afforded no precedent whatever for what had now been done. He thought he had found the germ of the right hon. Baronet's statement in the pamphlet of Lord St. Germans, in which allusion was made to a speech of Sir John Hippisley. The right hon. Baronet acknowledged that to be the foundation of his statement. Well, this speech of Sir John Hippisley's was made on a Motion of Mr. Grattan for a Committee of the whole House on the subject of the Roman Catholic claims. Sir John Hippisley, in addressing the House, adverted not to any recent communication he had had with Rome, but to communications which had passed several years before, in concert with Members of the Government, of which traces may be found in the Castlereagh correspondence. But was it proposed to concede the unlimited right of appointing bishops to dioceses without reference to the wishes of the British Government? So far from that Sir John Hippisley expressly declared his belief that "securities might be obtained against the dangers of concession to the wishes of the petitioners, provided that such measures of concomitant legislation were adopted, as did, in fact, constitute a material feature of the State policy of every other nation, and were, in fact, not less in the view of our Catholic ancestors than they ought to be in our own at the present hour." He then enumerated at considerable length the restraints provided in other European countries against the encroachments of Rome, observing that France, whilst the Pope was actually within her power, had provided securities as effectual as if he was still in the plenitude of his sway. Sir John Hippisley distinctly pointed to the veto as the sole condition on which the establishment of a Roman Catholic episcopate could be permitted; and the proposal he had made to Rome on the part of the British Government was, that the change should be made, accompanied with that important condition, the failure of which led, he believed, to its withdrawal by the British Government. [1 *Hansard*, xxii. 762; xxiii. 701.] Were they to be told, because this proposition had been made, that at the distance of half a century the Pope was justified in adopting that part of it which might suit his own purposes, omitting altogether that part on which the British Government had insisted, or that the Government were to be bound to submit to this interference without having obtained for themselves sufficient guarantees? And that, too, when they were told by the hon. and learned Member for Plymouth, that the time might come, when, circumstances being favourable, the Church of Rome, unchanged and unchangeable, might renew the Marian persecutions. The Government were charged with departing from the Act of 1829; but the Act of 1829, whilst giving full civil equality to our Roman Catholic fellow-subjects, provided securities, which were not held to be inconsistent with its principle. There was nothing unreasonable in supposing that the men who for a long series of years advocated the principles of that measure, never conceived that they thereby precluded themselves from asserting the freedom of their Sovereign and the independence of their country against those encroachments of the See of Rome which the whole history of the kingdom showed that our ancestors had jealously guarded against. As to the alleged interference with civil and religious liberty, he, like the Attorney General, challenged his opponents to show him one single point in which the Roman Catholics would by this Bill be debarred from the fullest and freest exercise of their religion: until that challenge was answered, he was fully entitled to repel the imputation that this measure was contrary to the principles of religious freedom. With regard to its effect on Ireland, it had been alleged that the first clause contained within itself the provisions of the others which had been omitted. In consequence of certain statements made, especially by the hon. and learned Member for Athlone (Mr. Keogh), as to the practical effect of parts of the latter clauses, the Government had determined that they had used their best endeavours to remove from the Bill everything that could trench on the established usages and prescriptive rights of the Roman Catholic subjects of Her Majesty in Ireland. But if the opinion quoted by the hon. Member for Dundalk were correct, it would not be denied that that opinion applied equally to the 24th clause of the Act of 1829 as it did to the Bill before the House. If that opinion, contrary as it appeared to the decisions of the Irish Courts, both of law and equity, turned out to be well founded, and the decisions of those courts were reversed, he thought the Roman Catholics of Ireland would have little reason to thank the hon. Member for Dundalk for the zeal with which he had attempted to found an argument against the Bill upon the first clause, after the ground of his former arguments had been cut away by the proposed withdrawal of the other clauses of the Bill. It had been said that the feeling which existed in the country was originated by interested Churchmen, and that it was merely one of rivalry between the two Churches. The right hon. Member for Ripon said that the truth had now come out, and that he believed that the cause of offence was not that the authority of the Sovereign was impugned, or that there had been any aggression on the independence of the country, but that the real grievance was that the archiepiscopal throne of a Roman Catholic archbishop had been set up at Westminster side by side with that of the Archbishop of Canterbury. The hon. Member for Oldham (Mr. W. J. Fox) also said that this measure was merely introduced to placate the wounded pride of a few titled ecclesiastics. He would not retort that the whole scheme comprised in the Pope's rescript had been devised to gratify the pride of a few titled ecclesiastics. But if the hon. Gentleman intended to imply that the feeling in the country had been got up by Churchmen anxious to maintain their position against a formidable enemy, he was speaking in direct contradiction to the facts. He need only to refer to the paper which was moved for by the hon. Member for Warwickshire, showing the various bodies, civil as well as religious, who had addressed the Crown against this aggression on the temporal authority of the Queen. The fact was that this aggression had been felt as a national insult, and complaints had been addressed to the Throne not only by Churchmen, but by members of the Church of Scotland, of the Free Church of Scotland, by the Wesleyans, the Congregationalists, the Baptists, and the three denominations of Dissenters, representing, in fact, the vast majority of the Protestant inhabitants of the realm. The course taken by the Pope had been felt by them, not as Churchmen, with regard to their own immediate interests, nor as Protestant Dissenters, from fear for that Protestantism which they held in common with the Church of England, but as Englishmen. They were animated by the same spirit which induced their forefathers to oppose barriers to the temporal encroachments of the Court of Rome; barriers which we were bound to maintain, but which might exist without abridging in the slightest degree the full exercise of religious liberty. The right hon. Member for Ripon had charged his noble Friend (Lord John Russell) with having by his present course compromised his advocacy of the principles of civil and religious liberty on the hustings of the city of London. But the city of London had expressed its own opinion on the subject, and in the exercise of its ancient privilege, had carried up to the Throne addresses by the Lord Mayor and Aldermen, the Common Council, and the City Lieutenancy, in which, while declaring their uncompromising advocacy of civil and religious liberty, they prayed that measures should be taken to resist the encroachment of a foreign Power. These territorial titles, which were said to be only an empty name, and against which it was contended that it was idle to legislate, were the badges and symbols of a jurisdiction which was claimed to be exercised by the sole and undivided authority of the Court of Rome; and what he asked the House was, that they should place the brand of illegality on those badges and emblems. Let them reject this Bill (according to the advice of the right hon. Member for Ripon), without any alternative being offered to them but complete acquiesence and indifference, and they might depend upon it that such a course would be followed by fresh aggression from the Court of Rome, which would believe, as had been asserted by Cardinal Wiseman, that the feeling expressed by the country was only a temporary popular effervescence, and would quote such an acquiescence on the part of the House as a proof that the Commons of England were indifferent to the honour of the Crown and the independence of the nation. That House might by such a course not only encourage fresh acts of aggression on the part of Rome, but they might do more, they might excite throughout the country that great religious war which the hon. Member for Liverpool was so eager to rush into, but which he (Sir G. Grey) deprecated; let them reject this measure, and they might have a demand from the country which they would not be able to resist for a measure with provisions much more stringent, and penalties far more severe. An appeal had been made to our national character. We had derived from our ancestors the character of being zealous for the independence of the country. Let us, then, in the same spirit, hand down that character unimpaired to our posterity. He believed that by so doing, by supporting this Bill by a large and decisive majority, they would best consult the honour of the Sovereign, the independence of the country, and the cause of civil and religious liberty.

The **Earl of ARUNDEL and SURREY** rose, but was informed by Mr. Speaker that he was not entitled to reply.

Mr. S. HERBERT said: As the right hon. Baronet the Home Secretary has alluded to me on a matter of fact, perhaps the House will allow me to state the facts. The right hon. Baronet read two documents for which he held me responsible. I objected to the first, and never heard of the second until the right hon. Baronet read it. I suppose it had been adopted after I left the meeting. In moving the resolution which the right hon. Baronet read, and which I stand to, I pointed out to the meeting what I have attempted to point out to the House, that the way to meet spiritual aggressions is not by Acts of Parliament; and I argued as strongly as I could argue, that penal enactments would fail, and that it was by spiritual resistance on the part of those opposed to Popery that this aggression must be met.

Mr. P. HOWARD, amidst loud cries of "Divide!" protested against the imputation that the Roman Catholics of England and of the sister country claimed by the institution of the hierarchy any temporal authority. Still more decidedly did he protest against those expressions of the right hon. Gentleman, that he was about to impose the "brand" of illegal conduct upon a third of the inhabitants of the country.

Sir G. GREY explained that he had not said one word about placing a brand upon one-third of his fellow-subjects. He said, that these titles were the badges and emblems of jurisdiction claimed and exercised in virtue of the undivided and sole authority of the See of Rome; and he asked the House, by passing that Bill, to put a brand of illegality upon those badges and emblems.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 438; Noes 95: Majority 343.

List of the Ayes.

Abdy, Sir T. N.
Acland, Sir T. D.
Adair, H. E.
Adair, R. A. S.
Adderley, C. B.
Alcock, T.
Anson, hon. Col.
Anson, Visct.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Ashley, Lord
Bagge, W.
Bagot, hon. W.
Bagshaw, J.
Bailey, J.
Baillie, H. J.
Baines, rt. hon. M. T.
Baird, J.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Baring, T.
Barnard, E. G.
Barrington, Visct.
Barrow, W. H.
Bass, M. T.
Bateson, T.
Beckett, W.
Bell, J.
Benbow, J.
Bennett, P.
Beresford, W.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, hon. G. F.
Berkeley, C. L. G.
Bernal, R.
Bernard, Visct.
Birch, Sir T. B.
Blackstone, W. S.
Blair, S.
Blakemore, R.
Blandford, Marq. of
Boldero, H. G.
Booker, T. W.
Booth, Sir R. G.
Bowles, Adm.
Boyle, hon. Col.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brockman, E. D.
Brooke, Sir A. B.
Brotherton, J.
Brown, H.
Bruce, C. L. C.
Bruen, Col.
Buck, L. W.
Bulkeley, Sir R. B. W.
Buller, Sir J. Y.
Bunbury, W. M.
Bunbury, E. H.
Burleigh, Lord
Burroughes, H. N.
Busfeild, W.
Buxton, Sir E. N.
Cabbell, B. B.
Calvert, F.
Campbell, hon. W. F.
Carew, W. H. P.
Carter, J. B.
Caulfield, J. M.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Cayley, E. S.
Chandos, Marq. of
Chaplin, W. J.
Chichester, Lord J. L.
Child, S.
Childers, J. W.
Christopher, R. A.
Christy, S.
Clay, J.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Cockburn, Sir A. J. E.
Cocks, T. S.
Cole, hon. H. A.
Coles, H. B.
Collins, W.
Compton, H. C.
Conolly, T.
Copeland, Ald.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Cubitt, W.
Curteis, H. M.
Dalrymple, Capt.
Damer, hon. Col.
Dashwood, Sir G. H.
Davies, D. A. S.
Deedes, W.
Denison, E.
D'Eyncourt, rt. hon. C. T.
Disraeli, B.
Divett, E.
Dod, J. W.
Dodd, G.
Douglas, Sir C. E.
Douro, Marq. of
Drumlanrig, Visct.
Drummond, H.
Duckworth, Sir J. T. B.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Dundas, Adm.
Dundas, G.
Dundas, rt. hon. Sir D.
Du Pre, C. G.

East, Sir J. B.
Ebrington, Visct.
Edwards, H.
Egerton, W. T.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Emlyn, Visct.
Enfield, Visct.
Estcourt, J. B. B.
Euston, Earl of
Evans, Sir De L.
Evans, J.
Evans, W.
Evelyn, W. J.
Ewart, W.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Fergus, J.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzpatrick,rt.hon.J.W.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Forbes, W.
Fordyce, A. D.
Forester, hon. G. C. W.
Forster, M.
Freestun, Col.
Frewen, C. H.
Fuller, E. A.
Galwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
Gilpin, R. T.
Glyn, G. C.
Goddard, A. L.
Gooch, E. S.
Gordon, Adm.
Gore, W. O.
Gore, W. R. O.
Goulburn, rt. hon. H.
Granby, Marq. of
Greenall, G.
Greene, T.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Grosvenor, Lord R.
Guernsey, Lord
Guest, Sir J.
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Sir B.
Hall, Col.
Hallyburton, Lord J. F.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. G.
Hardcastle, J. A.
Harris, hon. Capt.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Hayes, Sir E.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Heneage, G. H. W.
Heneage, E.
Henley, J. W.
Herries, rt. hon. J. C.
Hervey, Lord A.
Heywood, J.
Hildyard, R. C.
Hildyard, T. B. T.
Hindley, C.
Hodges, T. L.
Hodges, T. T.
Hodgson, W. N.
Hollond, R.
Hope, H. T.
Hornby, J.
Horsman, E.
Hotham, Lord
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Hudson, G.
Humphery, Ald.
Inglis, Sir R. H.
Jackson, W.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Ker, R.
Kershaw, J.
King, hon. J. P. L.
Knightley, Sir C.
Knox, Col.
Knox, hon. W. S.
Labouchere, rt. hon. H.
Lacy, H. C.
Langston, J. H.
Lascelles, hon. W. S.
Lawley, hon. B. R.
Legh, G. C.
Lemon, Sir C.
Lennard, T. B.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lewisham, Visct.
Lindsay, hon. Col.
Littleton, hon. E. R.
Lockhart, A. E.
Lockhart, W.
Long, W.
Lopes, Sir R.
Loveden, P.
Lowther, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Mackenzie, W. F.
Mackie, J.
Mackinnon, W. A.
Macnaghten, Sir E.
M'Gregor, J.
M'Taggart, Sir J.
Mahon, Visct.
Mandeville, Visct.
Mangles, R. D.
Manners, Lord C. S.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Marshall, J. G.
Marshall, W.
Martin, C. W.
Masterman, J.
Matheson, A.
Matheson, Sir J.
Matheson, Col.
Maxwell, hon. J. P.
Meux, Sir H.
Miles, P. W. S.
Milner, W. M. E.
Milnes, R. M.
Milton, Visct.
Mitchell, T. A.
Moffatt, G.
Morgan, O.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mullings, J. R.
Mundy, W.
Muntz, G. F.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Noel, hon. G. J.
Ogle, S. C. H.
Ord, W.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Paget, Lord A.
Paget, Lord C.
Pakington, Sir. J.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, Sir R.
Peel, Col.
Pelham, hon. D. A.
Pennant, hon. Col.
Perfect, R.
Peto, S. M.
Pigot, Sir R.
Pigott, F.
Plowden, W. H. C.
Plumptre, J. P.
Powlett, Lord W.
Price, Sir R.
Prinsep, H. T.
Pugh, D.
Rawdon, Col.
Reid, Col.
Rendlesham, Lord
Renton, J. C.
Repton, G. W. J.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Richards, R.
Robartes, T. J. A.
Romilly, Col.
Romilly, Sir J.
Rufford, F.
Rumbold, C. E.
Rushout, Capt.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Sandars, G.
Sandars, J.
Scott, hon. F.
Scrope, G. P.
Seaham, Visct.
Seymer, H. K.
Seymour, Lord
Shafto, R. D.
Sheridan, R. B.
Sibthorp, Col.
Sidney, Ald.
Slaney, R. A.
Smith, J. A.
Smith, M. T.
Smyth, J. G.
Smollett, A.
Somerset, Capt.
Somerville,rt.hon.SirW.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stephenson, R.
Stuart, Lord J.
Stuart, H.
Stuart, J.
Sturt, H. G.
Sutton, J. H. M.
Thesiger, Sir F.
Thicknesse, R. A.
Thompson, Col.
Thompson, Ald.
Thornely, T.
Tollemache, J.
Townley, R. G.
Townshend, Capt.
Traill, G.
Trevor, hon. G. R.
Trollope, Sir J.
Tufnell, rt. hon. H.
Turner, G. J.
Tyler, Sir G.
Tynte, Col. C. J. K.
Tyrell, Sir J. T.
Verner, Sir W.
Verney, Sir H.
Vesey, hon. T.
Villiers, Visct.
Villiers, hon. C.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Wakley, T.
Walpole, S. H.
Walter, J.
Watkins, Col. L.
Wawn, J. T.
Wellesley, Lord C.
West, F. R.
Westhead, J. P. B.
Wigram, L. T.
Williams, J.
Williams, W.
Williamson, Sir H.
Willoughby, Sir H.
Wilson, J.
Wilson, M.
Wodehouse, E.
Wood, rt. hon. Sir C.

Wood, W. P.
Worcester, Marq. of
Wortley, rt. hon. J. S.
Wyld, J.
Wynn, H. W. W.
Wynn, Sir W. W.
Wyvill, M.
Yorke, hon. E. T.

TELLERS.
Hayter, W. G.
Hill, Lord M.

List of the NOES.

Anstey, T. C.
Armstrong, Sir A.
Armstrong, R. B.
Barron, Sir H. W.
Blake, M. J.
Blewitt, R. J.
Bright, J.
Burke, Sir T. J.
Butler, P. S.
Cardwell, E.
Castlereagh, Visct.
Charteris, hon. F.
Clements, hon. C. S.
Colebrooke, Sir T. E.
Corbally, M. E.
Crawford, W. S.
Currie, H.
Currie, R.
Dawson, hon. T. V.
Devereux, J. T.
Ellis, J.
Fagan, W.
Fagan, J.
Fortescue, C.
Fox, R. M.
Fox, W. J.
French, F.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Goold, W.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Grattan, H.
Greene, J.
Henry, A.
Herbert, H. A.
Herbert, rt. hon. S.
Heyworth, L.
Higgins, G. G. O.
Hobhouse, T. B.
Hope, A.
Howard, P. H.
Hume, J.
Hutchins, E. J.
Keating, R.
Keogh, W.
Kildare, Marq. of
Lawless, hon. C.
M'Cullagh, W. T.
Magan, W. H.
Maher, N. V.
Meagher, T.
Mahon, The O'Gorman
Monsell, W.
Moore, G. H.
Mowatt, F.
Mure, Col.
Norreys, Lord
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir T.
O'Connell, J.
O'Connell, M.
O'Connell, M. J.
O'Connor, F.
O'Flaherty, A.
Osborne, R.
Palmer, R.
Pechell, Sir G. B.
Peel, F.
Portal, M.
Power, Dr.
Power, N.
Roche, E. B.
Sadleir, J.
Scholefield, W.
Scully, F.
Seymour, H. D.
Simeon, J.
Smith, J. B.
Smythe, hon. G.
Somers, J. P.
Strickland, Sir G.
Sullivan, M.
Talbot, J. H.
Tancred, H. W.
Tenison, E. K.
Tollemache, hon. F. J.
Towneley, J.
Urquhart, D.
Vane, Lord H.
Wall, C. B.
Walmsley, Sir J.
Wegg-Prosser, F. R.
Young, Sir J.

TELLERS.
Arundel and Surrey, Earl of
Reynolds, J.

Main Question put, and *agreed to:* Bill read 2°, and *committed* for Monday next.

The House adjourned at half after Three o'clock till Thursday.

HOUSE OF LORDS,

Thursday, March 27, 1851.

MINUTES.] PUBLIC BILL.—3ª Commons Inclosure.

POLITICAL REFUGEES IN ENGLAND.

LORD LYNDHURST said: My Lords, I beg to call the attention of Her Majesty's Government to a subject of considerable importance—a subject which respects the tranquillity of this country, and, at the same time, the permanence of that good understanding between ourselves and foreign Powers with whom we are at present in friendly alliance—I allude to the reprehensible conduct of certain foreigners in this country, who are now living here under the protection of our laws. It has always been the principle and the practice amongst us to afford a ready asylum to persons driven from their own country in consequence of their religious or political opinions or conduct. My Lords, I do not wish, in the slightest degree, to trench upon this principle; it appears to me to be in perfect accordance with the character of an enlightened, a generous, and a powerful country. But, my Lords, it must always be remembered that this protection imposes upon the persons who take advantage of it a corresponding duty of a grave character: that duty is to live amongst us peaceably and quietly, and not to make this country the focus of intrigues against foreign States; above all, not to carry on any proceedings of a hostile character directed against countries with which we are connected by treaties of friendship and alliance. These are principles so clear, so just, so universally recognised, that it is unnecessary for me to dilate upon them, and I refer to them merely as introductory to the statement to which I am about to call the attention of Her Majesty's Government. My Lords, there is within this city an association of persons who style themselves the Central National Italian Committee. These persons, as I understand, and as they themselves state, were elected to that office after the expulsion of the insurrectionists from Rome by the Constituent Assembly, or by some members of the Constituent Assembly of the Republic of Rome, and by other persons holding offices during the Italian revolution. The object of this association is, as they themselves profess, to keep up the spirit of insurrection in Italy, with a view ultimately to the establishment of a central republic in that country. My Lords, these persons have lately opened a loan in this country, publicly advertised, composed of shares of small amount, some of which I have had in my possession, professedly for the purpose of carrying their political designs into execution. These shares are accompanied with a circular, stating that the object of this loan is to purchase arms and munitions of war for the promotion and accomplishment of their insurrectionary designs in Italy; and they pledge themselves in the strongest terms that the funds thus raised shall be applied to this purpose, and to this purpose alone. My Lords, these shares are signed by Mazzini, one of the ex-Triumvirs of Rome; by another person of the name of Saffi, also one of the ex-Triumvirs; and by another person whose name I do not at this moment recollect. They are endorsed in the name of Agostini, who styles himself the Secretary of this Committee. Now, it is quite obvious, my Lords, that this is a breach of the implied engagement which those persons entered into when they came to this country to seek the protection of our laws; and I am sure your Lordships will join with me in reprehending such conduct in the strongest possible terms. My Lords, I am not so weak as to suppose, for one moment, that much money will be raised in this country by a body of this description. People are much more ready to throw up their caps and shout in favour of liberty, equality, and fraternity, than to lay down their money for such objects. But, unless I am greatly misinformed, a very considerable amount of money has been raised by the transmission of these shares to Paris; and the further circulation of them has only been prevented by the active interposition of the French police. They have also been sent to Italy, where they are openly sold in the stock market of Genoa. This is the subject, then, to which I am anxious to call the attention of Her Majesty's Government. The fact that this loan has been publicly advertised in this country, and that these proceedings are being carried on under the eyes of the Government, must have these effects—first of all, to lead the revolutionists of Italy to the conclusion that the Government must be favourable to their designs, and at the same time have the effect of alienating from us the goodwill and friendship of our allies, and to lead them to view our proceedings and the conduct of our Government with suspicion and distrust. Now, these are results which Her Majesty's Government, and every reasonable and thinking man in this country, must sincerely deplore. But it is not to this measure alone that I am about to call your Lordships' attention. There are other measures of a similar character which I think it necessary, and my duty, to mention. In addition to the society to which I have referred, there is in this city another society which syles itself the Central Democratic European Committee. Now, this Committee or association has been formed for the avowed purpose—not directed against one or two States—but for the avowed purpose of encouraging insurrectionary projects in every part of Europe. They declare it to be their object to keep this spirit and temper alive until they have the opportunity, by a simultaneous movement, of carrying their ultimate projects into effect. My Lords, this society has lately issued a proclamation addressed to their partisans throughout Europe, with the view of accomplishing the object to which I have referred—to accomplish, if possible, a simultaneous insurrection in every part of Europe. In this proclamation they praise in the highest degree the energy and the zeal of the insurgents of Vienna and Milan, upon whom they call to hold themselves in readiness for another rising of a similar description, assuring them that by co-operation and simultaneous efforts of all the democratic party in Europe, their objects must ultimately be attained. Now, who are the parties to this proclamation? They are, as they call themselves, representatives of different European States. One is Mazzini, who represents Italy; another person, whose name I do not at this moment call to mind, but whe styles himself a late member of the Constituent Assembly at Frankfort, represents Germany; a well-known Pole represents the kingdom of Poland; and the Republic of France is represented by a person who is still better known, namely, Ledru Rollin—a person who, flying from France, took refuge in this country, and who, to evince his gratitude for the protection thus afforded him, soon afterwards published a series of atrocious libels against the people and Government of this country, the malignant character of which was equalled only by their extravagance and absurdity. Such is the Central Committee to which I have referred, carrying on their proceedings in this country under the eye of the Government; abusing the protection which our law affords them, and running directly counter to that implied engagement into which every refugee enters when he solicits protection and an asylum in a foreign State. But this is not all. I have a case still more striking, to which I entreat the attention of Her Majesty's Government. There is another Central Committee in this city—where the branches meet I know not—to whose proceedings I wish also particularly to call your Lordships' attention. It is a Committee who style themselves the Central Committee of Hungarian Refugees. One of the leading members of this Committee is General Klapka, an officer who served in the insurrectionary war in Hungary, and who commanded the insurgents at Comorn at the close of the Hungarian war. It is well known that a large body of Hungarians were sent from Austria into Italy, and were there incorporated with the Austrian army in Lombardy. Availing themselves of this fact, this Committee lately prepared a proclamation addressed to those Hungarians, in language of the most inflammatory character, containing topics also of the most exciting description, calling upon them to desert from their ranks, and pointing out how this might be effected in a manner the most effectively destructive of Austria. They were told how to act in the event of a war breaking out, what signals are to be made, and what co-operation they would receive. This proclamation is signed on the part of the Committee by the individual to whom I have referred (M. Klapka), and a more flagrant violation of the principles upon which protection has been afforded to a refugee can scarcely be imagined. My Lords, I pass over the language which was held at a recent meeting composed of foreigners, and which was insulting alike to the Government of Austria and to the House of Austria, and the members of it both male and female. I refer to a meeting which was presided over by a person of the name of Haug, a man well known in the barricades of Vienna, who afterwards fled to Rome, and was there made a general by the revolutionary Government. I pass this over, although very reprehensible, because it appears to me to be far inferior in weight and importance to those distinct and hostile conspiracies to which I have adverted. I am sure Her Majesty's Government must be most anxious to put an end to those unwarrantable proceedings. They are injurious to the character of the country, and if allowed to go on for any length of time, I cannot be sure that we may not be held responsible for having kept these persons under our shelter and protection. What remonstrances these proceedings may have occasioned on the part of the Austrian Government, or how far those remonstrances may have been seconded and supported by the representatives of other European Powers, must of course be much better known to Her Majesty's Government than to myself. The question I have to consider is, what is the remedy, and how are we put an end to these dangerous proceedings? Are we to institute a public prosecution? Upon that I express no opinion. A prosecution of this kind would be difficult to conduct. At all events it would be slow in its progress, and, perhaps, uncertain in its results. But there is a remedy, short, efficacious, and adapted to the purpose, and which I should strongly recommend to the adoption of Her Majesty's Government; I mean the renewal, with some slight modification, of that Act which was allowed to expire in the last Session of Parliament. If I am asked whether I wish to expel these particular individuals from the country, I answer in the negative. It will not be necessary to do so. Arm the Government with the power which they would have under that Act, and I am persuaded that the bare possession of such power would be sufficient to repress and check this evil. I suggest, therefore, in the strongest manner, for the consideration of Her Majesty's Government, the propriety of proposing the re-enactment of the Act to which I have referred.

But there are other considerations connected with this matter to which I beg to allude. There are at this moment in this city many hundreds of foreigners—the great proportion of whom have been driven here by the storm of revolution on the Continent. The large proportion of them are men of desperate character and desperate fortunes, hostile to all regular governments, persons accustomed to the use of arms, and ready to embark in any adventure of however bold and daring a kind. We know that their numbers are constantly increasing, and we are aware that within a very few weeks from this time an opportunity will be afforded to augment to an indefinite extent, without any good cause of suspicion, the numbers who are already here. Now, it is reported that one of the Committees to which I have referred has requested its agents on the Continent to send to this country on that occasion as many men of action as they can possibly furnish. I ask your Lordships, therefore, whether, with reference to what is now about to take place, we ought not to adopt as an additional precaution, connected with those other measures which Her Majesty's Government are no doubt taking, the re-enactment, with some alterations, of the Bill to which I have just referred. The observations I have thus thrown out are made in no unfriendly spirit or disposition towards Her Majesty's Government. The only object which I have in view is to provide for the public safety, and to maintain unimpaired the esteem and regard of those foreign countries with which we are connected by treaties of friendship and alliance. I have nothing further to state than to make these suggestions, founded upon the facts which I have mentioned, verified by documents which are now in my possession, and which I am in a condition to present to Her Majesty's Government. My only desire has been to represent these facts, whilst I leave it to Her Majesty's Government to do that which, in their wisdom, and after due consideration, they think ought to be done for the purpose of meeting the evils I have referred to.

EARL GREY: My Lords, I regret that I was not made aware of the intention of the noble and learned Lord to bring this very important subject under the consideration of this House this evening. If I had had any notion that the subject was to be referred to at all, I would have taken care to have placed myself in communication with my noble Friend the Secretary for Foreign Affairs (Viscount Palmerston) and my right hon. Friend the Secretary of State for the Home Department (Sir G. Grey), both of whom, I know, have their attention closely directed to this subject. In the absence of that communication with them, then, I do not think it expedient for me on the present occasion to say more than that Her Majesty's Government are well aware of the importance of the questions to which their attention has been directed by the noble and learned Lord; that I know my right hon. Friend the Secretary of State for the Home Department has had his attention most closely directed to all the alleged proceedings of certain parties in this country; and that he has had under his consideration what steps it may be necessary to adopt in reference to the subject. Further than this it is obviously impossible for me at present to enter into the question, unless it be to throw out this one observation: if I rightly understand the noble and learned Lord, he seems to apprehend that there is no effective remedy for the evils which he has pointed out, except the renewal of an Act which was passed three years ago, shortly after the last French revolution, and which enabled Her Majesty's Government to require foreigners, under certain circumstances, to leave this country. I will only remind your Lordships that at the time that Act of Parliament was passed, those powers were asked for by Her Majesty's Government, and were granted them by Parliament, upon the express ground, and upon no other ground, than that these powers were required for the safety of this country, and were to be exercised to maintain and to ensure the safety of this country. I need not remind your Lordships that at that time an opinion was also very strongly expressed in both Houses of Parliament, that for no other purpose could those powers be properly granted or properly exercised. Whether a case of so much gravity might arise, that in order to enable this country to do its duty towards other Powers, this additional authority ought to be entrusted to the hands of the Executive Government, is a question upon which I feel myself unable, at this moment, to express an opinion. I will only say this, that I myself, for one, entertain an unhesitating opinion that nothing but a case of the greatest urgency and of the most obvious and flagrant necessity would justify Parliament in granting, or Her Majesty's Government in asking, powers very different from those which, under the free institutions of this country, the Executive Government usually possesses and usually exercises. Whether such a case may arise, is a question for future consideration, and upon which I will not at present express any opinion.

LORD LYNDHURST explained: I merely stated that there was a difficulty in instituting a public prosecution, and that there appeared, therefore, to be no effectual remedy except that to which I have referred. I am quite satisfied at having called the attention of Her Majesty's Government to the subject, and I am sure that they will do all that may be necessary for the maintenance of the public safety.

The EARL of ABERDEEN: My Lords, I beg to make one observation upon what has fallen from the noble Earl opposite (Earl Grey). I allude to the difficulties which he tells us stand in the way of the adoption of such a measure as my noble and learned Friend (Lord Lyndhurst) refers to. But, at least one thing is not very difficult, which he has omitted to do. The noble Earl has omitted to state his disapprobation, and that of Her Majesty's Government, of the proceedings which have been described by my noble and learned Friend. Indeed, from one remark which has fallen from him, it would appear as if it were a matter of doubt whether Her Majesty's Government approve or disapprove of those proceedings. Now, I entertain no doubt on my own part about the matter; but I can assure the noble Earl that throughout Europe very great doubt is entertained upon the subject, and that it would be very satisfactory to different countries in Europe if they knew of the disapprobation of Her Majesty's Government of the proceedings my noble and learned Friend has described.

Earl GREY: My Lords, I confess I feel a little humiliated at being called upon by the noble Earl to make any explanation upon this point. If I omitted to express my entire concurrence in the opinion of the noble and learned Lord opposite, that those strangers who accept a refuge in this country, by accepting that refuge incur also a great responsibility, and duties which they cannot evade without being liable to great blame, I only omitted to do so because I thought the point was so clear that it was really and absolutely unnecessary for me to enter upon it further. It seems to me that no man can doubt that strangers accepting a refuge in this country have no right or title to abuse the protection which they so enjoy, for purposes so mischievous as those which the noble and learned Lord has described. And in stating that my right hon. Friend the Secretary of State for the Home Department has had his attention closely directed to the subject, I thought my answer showed as clearly as I could express it, that Her Majesty's Government disapproved of any such proceedings as strongly as the noble and learned Lord himself; and that, to the full extent of the authority invested in them by the constitution and the law, they would discourage and discountenance all such proceedings.

THE CENSUS.

The Bishop of OXFORD presented a petition from the Deanery of Newbury, complaining of their being called upon to answer certain questions contained in the papers issued from the Registrar General's office, in connexion with the Census, and praying that it may be made imperative to reply to such queries, or that they might not be made at all. The questions referred to the number of persons attending churches, the number of scholars attending National and Sunday schools, and other points of a similar nature. The petitioners objected to these queries being issued—1, because replies would fail to be made to them in many instances; 2, because any replies which might be made must necessarily be vague and incorrect; 3, because the general result must be conducive to the propagation of error rather than truth; 4, because the incorrect information thus obtained would be made available to the prejudice of the great interests over which the ministers of the Church were bound to watch. The returns for the Census must be sent in by Monday next, and therefore no time should be lost in conveying to the clergy an indication of the opinion of that House as to whether they should reply to the queries which had been put to them or not. An opportunity had been afforded him of consulting many of his brother Prelates on this subject, and they were unanimously of opinion that the effect of answering the queries would be what the petitioners stated. The subject was alluded to in their Lordships' House a few days since; and, in consequence of what passed on that occasion, another paper had been issued from the Registrar General's office, stating that no person was bound under a penalty to answer the queries objected to. It appeared to him, however, that this was not all that should be done. It was necessary to intimate that answers to the queries were not expected at all. Mr. Canning once observed that nothing was so fallacious as facts except statistics. If that remark were true, generally, how much more closely would it apply to such garbled statistics as must be obtained in answer to the proposed queries. Authentic information was only attainable when demanded under a penalty. Under these circumstances, he hoped that Ministers would intimate that answers to the objectionable queries would not now be insisted on, and, if the information sought for should continue to be thought requisite, an enactment might be passed previously to the taking of the next Census which would render it imperative on clergymen and others to answer the queries intended to elicit it. If consulted by the clergy of his diocese as to the course they ought to pursue, he should be inclined to advise them not to answer the queries, and yet he was unwilling to place himself in an antagonistic position towards the Government in this matter, and to seem desirous of thwarting efforts which could only originate in good intentions.

EARL GRANVILLE said, that some alterations had been made in the papers sent out, in consequence of a conversation which took place in their Lordships' House a short time ago. There was one point which the Home Secretary was willing to withdraw—namely, the question as to the endowment of the Church of England benefices—not that this was originally an improper question to ask, but it seemed to have led to misapprehension on the part of the clergy of the Church of England, and it would therefore be withdrawn. With reference to the statistics of the spiritual and secular education of the people of this country, it would be a great disappointment to the public if no effort was made by the Government, when such an opportunity occurred, at no additional expense but the mere extra printing, to obtain information on so important a subject. At the same time, they had thought it right that the public should be informed of the inquiries which they were bound to answer under penalties, and those which were of a voluntary character. With regard to schools, it was impossible to obtain the addresses of all schoolmasters beforehand, and a letter had therefore been sent instructing all the enumerators to inform schoolmasters that they would not be liable to penalties for refusing to answer the questions directed to them. A letter had also been sent to the clergy, on the subject of the inquiries as to religious instruction, of a similar character, but pointing out that it was important to ascertain whether the spiritual instruction afforded had kept pace with the increased wants of the population of 1851. The letter concluded by saying that the Registrar General relied on the sense which these parties would probably entertain of the value of the information applied for, and that he respectfully "invited" their co-operation. The right rev. Prelate seemed to think that one of two things would happen; either that the returns would not be given at all, or that if given in, they would be of a most imperfect nature. Now, he (Earl Granville) did not consider that the last of these anticipations was correct. He believed that, if the returns were made at all, they would be of a generally correct and ample character. But he did admit there was some danger, as the matter at present stood, that, in some cases, there would be objections to making any return at all. The right rev. Prelate had stated that, however unwilling to put himself into resistance to the Legislature, he could not, under the circumstances, do otherwise than sanction the objections to these returns likely to be offered by clergymen within his own diocese. He (Earl Granville) could only suggest that, while other religious bodies were willing to co-operate with the Government, and to supply all the information of the nature required, of which they were in possession, it could not but redound greatly to the disadvantage of the ministers of the Established Church if they were, on this occasion, to persist in their disinclination to make these important returns in reference to the position and circumstances of their own Church throughout the country. He believed that this suggestion would have some force, and he did hope that, on further consideration, the right rev. Prelate would see the propriety of using all his influence over the clergy whom he superintended to induce them to meet the Government in this matter. With regard to the request that the Government would now pledge themselves not to tabulate these returns, he had to state that the instructions of the Act were specific, precluding any such pledge.

The BISHOP of SALISBURY thought it right to make some reference to the suggestion of the noble Earl that if the ministers of the Established Church declined making these returns, they would stand in a position disadvantageous as contrasted with the conduct of ministers of other Churches. Now there was nothing in the remarks of his right rev. Friend to justify the assumption that clergymen of the Established Church did object to make any full and fair returns required by the Legislature, or invited by the Government. Their objection was to making returns which would be necessarily incomplete. In his mind there was no doubt whatever that these returns would be imperfect, and that from their imperfections inferences would be drawn, unjust, mischievous, and dangerous. The Church of England had no reason to shrink from the closest examination; and if at any time the clergymen of that Church were called upon and found it in their power to make returns which would be accurately descriptive of her true position, the noble Earl would find them anxious and willing to lend all the aid at their disposal.

EARL FITZWILLIAM considered that

some of the returns asked for, from clergymen, were perfectly legitimate in character, and would be made accurately and without the least difficulty. But he agreed with the right rev. Prelate (the Bishop of Oxford) that some of the questions, such as that having reference to the number of persons frequenting churches, were improper, inasmuch as in nine cases out of ten the return would be imperfect and misleading. He was, therefore, of opinion that the right rev. Bench had good grounds for calling on the Government not to press for, and not to exact, replies to those objectionable applications. At any rate, it should be understood that the returns would not be tabulated.

The MARQUESS of BREADALBANE said, that he altogether disagreed with the right rev. Prelates who had offered these objections. That the returns, in many cases, would be incomplete, might be true; but that was no reason why they should ask for no information at all. The ministers of Dissenting denominations had not intimated any unwillingness to make the required returns; and he could not attribute it to anything but laziness to find this opposition on the part of clergymen of the Established Church.

The BISHOP of OXFORD could assure the noble Earl that he did not object to one question, but to nearly all the questions in the document issued by the Registrar General. The noble Marquess had accused the clergymen of the Established Church of laziness. That was not very fair. They were not too lazy to make proper returns, but they did object to making improper returns. And even supposing that they were enabled to make correct returns, they would still be justified in objecting to these returns being asked for, and, if obtained, to their being tabulated; and for this reason, that other parties could not possibly make equally correct returns; that over such returns there would be no check; and that consequently on the whole the result would be mischievous and misleading. It was his opinion that it was, for every reason, better that they should have no information of this kind rather than imperfect information.

Petition read, and ordered to lie on the table.

COUNTY COURTS FURTHER EXTENSION BILL.

Amendments reported.

LORD BROUGHAM moved that the Bill be recommitted, and described certain amendments which he had to propose. The first amendment remedied a defect which had been pointed out in the clauses respecting attorneys and attorneys' clerks, and their powers to practise in these courts. The second referred to the salaries of the Judges of County Courts. At present, in numerous cases, in consequence of the increase of business caused by recent legislation, the salaries of these Judges were far too low.

LORD BEAUMONT wished to know when the Bill was to be discussed. Certain clauses had been delivered to their Lordships only that morning, and the effect of those clauses had not been explained by the noble and learned Lord. He (Lord Beaumont) thought the Bill ought to be recommitted for the purpose of further discussion. He found it difficult to reconcile himself to the reconciliation clauses. He did not approve of the provision in the Bill, which enabled litigants, instead of employing counsel, to go to the County Court, and get the opinion of the Judge; and he thought at any rate that no harm would be done if barristers were allowed to state the cases. If the noble Lord would consent to recommit the Bill, the amendments might be considered *seriatim*.

LORD BROUGHAM said that he had no objection to adopt the course suggested by the noble Lord. As he would have another opportunity of addressing their Lordships, he would not follow the noble Lord (Beaumont) through the various errors into which he had fallen with respect to reconcilements.

Further Amendments made: Bill recommitted.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, March 27, 1851.

MINUTES.] NEW WRIT.—For the Western Division of the County of Somerset, *v.* Sir Alexander Hood, Bart., deceased; for the County of Longford, *v.* Samuel Wensley Blackall, Esq., Governor of Dominica.

NEW MEMBER SWORN.—For Dungarvan, the Hon. Charles Frederick Ashley Cooper Ponsonby.

PUBLIC BILLS.—1ª Hainault Forest; Apprentices to Sea Service (Ireland).

PROTECTIVE DUTIES IN THE UNITED STATES.

MR. BOOKER wished to ask a question of the right hon. President of the Board of

Trade. He had seen in the ordinary channels of communication a statement, that certain proceedings had taken place in the House of Representatives in the United States, of deep importance to the trade and manufactures of this country. It was stated that on the 25th of February last an hon. Member in the House of Representatives, on the discussion of a Bill then before it, proposed an amendment, imposing an additional duty on all kinds of iron, and various other manufactures, and imposing certain duties on certain articles that before were entirely exempt from duty, and that that amendment was carried by a majority of 127 to 54. A friend of his, writing from Philadelphia on the 10th of March, said he was informed there was likely to be a party compromise, which would secure for the iron and coal of that country a much greater protection than that which they already enjoyed, and which was at present 30 per cent; but that as to cotton manufactures nothing was at present arranged, Manchester having outbid those who were engaged in cotton manufactures in that country. On this alleged Manchester proceeding it would not be proper that he should now say anything. He wished, therefore, to ask the right hon. Gentleman if the Government had received any information, and if they would lay it before the House, of the nature and extent of increase in the protective duties proposed to be levied on the import into the United States of all kinds of iron, and on various other articles of British produce and manufacture now exempt from duty?

Mr. LABOUCHERE replied that, having had notice of the question, he had made it his duty to inquire whether any report had been received from Sir Henry Bulwer, our Minister at Washington, and he found that no despatch had been received from him since the date of these transactions; but he had seen in the newspapers an account of the proceedings to which the hon. Gentleman's question referred, and he had no reason to doubt the correctness of that statement. The proposed alteration of the tariff, however, had not passed into a law by the Legislature of the United States. It had passed only one branch of the Legislature—namely, the House of Representatives, and had not passed the Senate.

FREEDOM OF DEBATE.

Mr. GRANTLEY BERKELEY: Mr. Speaker, I rise to put a question, with a view to prevent, if I can, in the future discussion of the Ecclesiastical Titles Assumption Bill, that asperity of language which we all must regret to have already heard. The question is as follows, and I trust the reply will show the House the exact position in which it stands with reference to debate: "Whether it be competent to the House to reconsider the Resolution at present in force as to the freedom of debate, and to amend it in cases where language is insulting collectively to individuals as well as personally, as was the case in the Papal Aggression debate on Thursday last?"

Mr. SPEAKER: Hon. Members are aware that the rule of the House with regard to freedom of debate is part of the unwritten law of the House, and that it is a privilege which it is most important to preserve inviolate. At the same time it must be acknowledged that there are restraints which are not imposed by the actual rules of the House. Those restraints are founded upon the good feeling and courtesy of hon. Members, which ought to prevent, as much as possible, any Member from wounding the feelings, and especially the religious feelings, of other Members of the House. But I beg to state that in all cases of this description it is quite competent for the House to pronounce an opinion at the time upon the words spoken. For if any hon. Members are not satisfied with the decision of the Chair, it is competent not, for one hon. Member, but for the House, to call upon the Speaker to desire the words to be taken down; and then the sense of the House may be taken upon them. I entertain however, the greatest confidence that hon. Members, feeling the importance, as well for the satisfactory discussion of all important subjects, as for the preservation of the dignity of the House, that those restraints to which I have alluded should be observed, and, knowing that they cannot be enforced by any of the orders of the House, will see the greater necessity of not disregarding them.

STEAM COMMUNICATION WITH INDIA, &c.

Viscount JOCELYN begged to move for a Select Committee, to inquire into the question of the existing steam communications between England and India. He believed that he had no reason to expect opposition to his Motion from the right hon. Gentleman the Chancellor of the Exchequer. However, from information which he had received, he was given to understand that the proposed Committee would be objectionable to some, on the ground that they did not think the present was the moment for inquiry; whilst others doubted whether a Parliamentary Committee was the proper tribunal to consider the question; and others thought the consequence of such a Committee would be to postpone the communication which it was desired to establish between Australia and this country to an indefinite period. There was one objection which might have been raised, and which, if it had, would have prevented him from pressing the House to grant a Committee. If he had been informed by the right hon. Gentleman opposite (the Chancellor of the Exchequer that it was the intention of Government to enter into an inquiry upon this question, he should have been content to leave it in his hands; for he felt that there was nothing more objectionable than for Parliament to interfere with these questions, which more properly belonged to the Executive Government; and he should be the last to desire to take the responsibility from the department to which it properly belonged. But he trusted he should be able to show that there were peculiar grounds why this Committee should be granted, and that some public advantage might be gained by agreeing to his proposition. He felt sure any Gentleman whose attention had been turned to the evidence given before the Contract Packet Service Committee, would have arrived at the same conclusion to which he had come, namely, that nothing was more unsatisfactory than the mode in which these arrangements were carried out. Here was a service where the expenditure of upwards of a million of money was involved, and the responsibility could not be placed upon any single party. In any questions where the colonial interest was affected, there were no less than four departments by which inquiry could be instituted. First, there was the Colonial Department, then there was the Treasury, then the Post Office, and lastly, the Admiralty. In any question where the India interests were affected, there were two other departments in lieu of the Colonial Office. Some reform ought to take place in that respect. There was another reason why he should move for this Committee, namely, that on the first of January, 1853, the contract now existing between the Peninsular and Oriental Company would expire, and the arrangement by which the second route of communication was carried on between the Indian and British Government would cease in the following year. Before any alteration in those arrangements could be made, it was important that sufficient time should be given for those parties who might be disposed to come forward with tenders. Another reason for asking for a Committee was, that, seeing the long period during which the subject of steam communication with Australia had been discussed, he saw little hope of any definite arrangement being come to. But the main ground upon which he asked for the Committee was a discussion which had taken place at the close of the last Session between his right hon. Friend the Chancellor of the Exchequer and the hon. Member for Honiton, relative to a tender which had been forwarded by the Peninsular and Oriental Company, proposing to undertake the communication between Sydney and Singapore. That contract was supported on the ground of the commercial advantages which were expected to be derived from it; but owing to difficulties which had been thrown in its way by the Indian Government, it had not been found practicable to carry it into effect. There was an impression upon the public mind, that in consequence of the objections which were made by the Government of India, the public were deprived of the advantages which were likely to arise from that contract. His hon. Friend the Member for Honiton repudiated that charge, and in doing so moved for certain documents which had been laid upon the table of the House. A Report had also been laid before the House on the proceedings of the Select Committee on the Contract Packet Service, over which the hon. Member for Oxfordshire presided. In that Report there was this passage:—

> "Your Committee recommend great caution either in renewing the existing, or in forming new arrangements. They suggest that if it be decided to renew the existing contracts, the most strict and searching inquiry should be instituted, by some responsible department of the Government, into the cost of the execution, into the manner in which the service has been performed, and into the profits resulting from the several transactions to the companies by which they have been respectively carried on; and if it should be decided to put up the several contracts to public tender, the most ample notice, and most full particulars, of the terms and conditions of the service required should be given to the public, as being the means most likely to secure a real and true competition by responsible parties."

That Committee, it was true, pointed to some responsible department of the Government; but he had yet to learn that it was the intention of the Government to carry out that suggestion of the Committee. He thought it was the duty of the House to see that the inquiry proposed by the Committee should take place. If they allowed the present state of things to go on much longer, it might be found more difficult to effect those arrangements which should be thought desirable, and might perpetuate a monopoly of the Indian steam communication. In bringing that question before the House, he was acting on public grounds; he had no acquaintance with any of those companies which were interested in it, and he had no hostility whatever to that great company by which the line was at present carried on, namely, the Peninsular and Oriental Steam Packet Company. On the contrary, he thought the public were deeply indebted to that company for the energy and ability it had displayed in carrying on the communication at a time when the profits were smaller than at present, and he rejoiced that the undertaking now yielded a large remuneration. He would state to the House those arrangements which were now in operation, some of the difficulties which had arisen at various times, some of the complaints that had been made against the mode in which the service was at present conducted, and the points into which he thought it would be the duty of the proposed Committee to inquire. The notice which he had placed on the table had two distinct objects: the first was to inquire into the question of the existing steam communications between England and India, and to report whether any improvements might be made in the conduct of those communications previous to the grant of a further contract to any company proposing to carry on that line. The second object was to consider the subject of steam communication, having for its object a line or lines connecting England, India, and Australia, and to report to the House the most fitting mode in which such communication may be effected, with due care to economy, and with advantage to the public interests. The importance of the first point to which he alluded, it was not necessary to dilate upon. The fact of a more rapid communication having been established between England and India was one of both commercial and political importance, and had added materially to the comfort and convenience of those who in the pursuit of their respective employments were obliged to go to India themselves, or who had relatives settled in that country. It was one of the most striking features in that march of knowledge by which the last quarter of a century marked the history of the world. In the year 1835 the necessity as well as the importance of a more rapid communication between England and India was generally admitted by the public. The Indian Government, in communication with Her Majesty's Government at home, undertook to carry on the steam communication between England and India. The better to understand the mode in which this communication was effected, he would bisect the route, taking the Isthmus of Suez as the point of division. In the year 1835 Her Majesty's Government, to conjuuction with the Government of India, opened a line of communication between this country and Bombay. That part of the voyage westward of Alexandria was performed by the vessels appointed by Her Majesty's Government, and the portion that lay between Suez and Bombay was performed by the Indian Navy. The Government of that day, viewing the question as an imperial one, and seeing the large expense that was incurred, agreed to contribute 50,000*l.* to that undertaking. This arrangement lasted up to the year 1841, when for the first time that great company, known by the name of the Peninsular and Oriental Steam Packet Company, appeared to the eastward of the Isthmus of Suez, and established a line of communication between Calcutta and Suez, with a branch from Alexandria to Southampton for carrying passengers as well as for trade. The Indian Government felt how important this new line was to the commerce of India, and they contributed 20,000*l.* per annum to the undertaking—the postal communication still remaining in the hands of the English Government, and the Indian Government jointly. This arrangement lasted up to the year 1845, when the whole question came under the consideration of Her Majesty's Government. It was in 1845, under the Earl of Ripon, that the whole question was gone into, and was most laboriously discussed. The conclusion arrived at was that a bi-monthly line of communication should be established between England and India, one line being carried on conjointly by Her Majesty's Government and the East India Company, the other to be carried on wholly by the Peninsular and Oriental Company. The arrangements relative to the first line of communication, namely, the joint one, were as follows, and are those now in force:—The mails leave England on the 7th of each month, and proceed *viâ* Marseilles to Alexandria; they reach Suez on the 20th of the same month; they are then forwarded to Bombay, and from Bombay to their different destinations. The second line of communication was that which was carried on by the Peninsular and Oriental Company. The arrangements with them were as follows:—They agreed to open a monthly line of communication between England, India, and China, their vessels to sail from Southampton on the 20th of each month, touching at Gibraltar and Malta. The mails arrive at Suez on the 7th of the following month, and from thence the vessels of the company are despatched to Ceylon, Madras, and Calcutta, and thence to Singapore and China. The contract for opening this line of communication was a sum of 160,000*l.* per annum, and the Government taking the same view of the subject as the former Government, agreed to contribute as its share towards the undertaking, the sum of 90,000*l.* per annum, requiring the Indian Government to contribute the other portion, namely, 70,000*l.* These arrangements were to last for seven years, and they will expire on the 1st of January, 1853. The whole cost to the public of these lines of communication amounted to a sum of 265,000*l.*, of which 125,000*l.* was paid by the Indian revenue, and 140,000*l.* by the Treasury at home. He should add, that when these arrangements were made, Her Majesty's Government agreed to retain the postage in their own hands. The contract with the Peninsular and Oriental Company would shortly cease; and the question which now arose was, what course ought to be pursued in reference to future communication. He thought it most important to view this question as a whole question, and as one that affected in an equal degree the interests of India and Australia, as well as of England. In 1849 tenders were called for by the Admiralty with the view of opening a line of communication between this country and Australia. The Peninsular and Oriental Company sent in their tender agreeing to open a communication between Sydney and Singapore for 105,000*l.*, on the condition that the line between Bombay and Suez, now worked by the Indian navy, should be abandoned to them. The right hon. Gentleman the Chancellor of the Exchequer approved of this scheme, and considered that it was an economical arrangement; but the Indian Government opposed it, on the ground that it would create a monopoly of eastern communication in the hands of the Peninsular and Oriental Company; that its adoption would cripple all future arrangements of the communication; that it would be, in point of fact, not an economical but an additional and costly arrangement; and that it would injuriously affect the efficiency of the Indian navy. Now, the House would, he thought, concur with the Indian Government in the opinion that to create any monopoly in our great eastern communication, would be very highly mischievous and inexpedient, and, at all events, if no competition presented itself, which might be impossible in an undertaking of such magnitude, the rules and regulations laid down for the direction and control of the company intrusted with the communication ought to be of the most stringent character. Ever since these arrangements had been before the public, the Peninsular and Oriental Company had always put forward their pretensions to the line between Suez and Bombay being placed in their hands when the subject should come again under consideration; and, at the time the arrangement itself was made, a letter was sent by the secretary of the company to the shareholders, which exhibited the principle upon which the company had acted in forming the arrangement. The letter was in these terms:—

> "In proposing to undertake such an extensive range of mail communication at so diminished a rate of remuneration, the directors desire me to observe that they do not expect that the new service, even with all its advantages of combination for commercial purposes, will be, of itself, adequately remunerative; but they are led to hope that, with the benefits the company's already established lines may receive from it, they may be enabled to derive such a profit on the whole of the company's operations as may yield a moderate dividend to the proprietors of the company's capital."

He did not at all wonder that the Indian Government should manifest a jealousy of the Peninsular and Oriental Company in this matter. The increased cost anticipated, and the decreased efficiency of the Indian navy, were of course questions of Indian finance and Indian policy; but there could be no question that, as a general fact, the services performed by the Indian navy were very great. The services performed by that navy on the coasts of India, Arabia, Persia, and China, were very considerable. With the extensive seaboard of India, along the entire length of which the Governor General had communications to carry on, it was most important that he should have a squadron at his disposal, and that the men who composed it should have confidence in the Government, and should be accustomed to the naval service of India. So long as the custom obtained of giving the Governor General no power or control over Her Majesty's squadron in the Indian seas, so long this navy must be maintained. Whether this particular service might not be performed at least as well in smaller vessels than those now employed, was a question into which he would not then enter. He could not do better, in explanation of the views which had induced the Earl of Ripon to continue the service for the time in the hands of the Indian Government, than quote the words of the Earl of Ripon himself on the occasion:—

> "The objections of the court seem mainly to apply to the proposal for transferring to private contractors the service of the mail in the line between Suez and Bombay. I therefore hasten to state that one portion of the conclusion to which Her Majesty's Government have come is to leave that service at present in the hands of the East India Company. In coming to this determination they have been influenced, not only by a regard to the efficiency of the Indian Navy, but by the consideration that in case of any accidental failure on the part of the Peninsular and Oriental Company, the East India Company's Navy will still be available in the same manner as Her Majesty's ships occasionally employed in Europe, as a contingent remedy for any casualties occurring to the mail contractors."

As to the mode in which the communication was now conducted, he had received within the last few days a number of complaints from merchants connected with the Indian trade, representing the inconveniences to which passengers were subjected, the obstacles in the way of regular and speedy transmission, and the want of sufficient means for transport of goods. He would read to the House a letter he had that morning received from the Chamber of Commerce of Bengal, representing the irregularity of the mails—

> "Showing the difference of a fortnight between the date on which the mail arrived, compared with the receipt in another; and it is unnecessary for us to dwell upon the great inconvenience and loss which this uncertainty of the mail's arrival must occasion to those concerned in mercantile operations, for, although the Bombay express does in the majority of cases outrun your steamers, the former brings little besides the public news, in addition to one or two private letters to each mercantile firm."

It might be urged, no doubt, by his right hon. Friend opposite, that the Government had nothing whatever to do with the commercial wants of India in reference to this question, and that all they had to consider was what would be the most ready mode for the conveyance of Her Majesty's mails. He thought, however, it must be undeniable that the plan which should be found best for the commerce of India should, if possible, be adapted to the one best fitted for postal communication. The next point to which the attention of the Committee should, in his opinion, be directed, was the subject of steam communication, having for its object a line or lines connecting England, India, and Australia; and to report to the House the most fitting mode in which such communication might be effected, with due care to economy, and with advantage to the public interests. Now, he regretted to find that he differed from some hon. Gentlemen as to the best mode of obtaining the object which they all had in view. Looking at the delay, however, that had already taken place, and the many difficulties in the way, he could not but think that the Report of a Committee of the nature he proposed would point out the most ready means, and would, in fact, be the best method of effecting the object he had in view. He would not yield to any hon. Gentleman in his regard for the interests of the Australian colonies. When it was considered that there were in that country nearly half a million of British subjects, that they were purchasers to a large extent of our manufactured goods, and that many of them were bound to us by ties of kindred and blood, their importance could not for a moment be denied. But there was one great want which Australia, in common with all other colonies, experienced, and that was the want of capital. The capitalist would not invest his money, however advantageous might be the prospect, if for four months he was to be kept in total ignorance of what had become of it; and the only way in which advantage was to be gained by the colony would be by the establishment of steam communication. During the last eight years the question of steam communication with Australia had been at various times before the public, and various routes had been proposed. The first was one opening up a line of communication between the western coast of the Isthmus of Panama and Australia by way of the Galapagos, Tahiti, and New Zealand, by which the journey would be performed in about sixty-four days. Many advantages had been alleged in favour of that route; but there were at the same time many disadvantages. One of the greatest, which he thought almost insurmountable, was, that no arrangement had been made as to the mode in which the Isthmus of Panama was to be crossed. A second route was *viâ* Singapore to Sydney. The importance of this route could not be overrated, because it gave a direct communication between the Australian colonies and India and China. With reference to this route, in connexion with the question of capital, perhaps the House was not aware that there went annually from India a body of men anxious to seek a more genial clime, men who had laid by a certain fortune obtained in the military and civil service of their country; and many of whom, he believed, if there were a greater communication between India and Australia, would be found ready to embark and become settlers in that country. This view was borne out by the following brief extract from a Sydney paper of this year:—

> "Many of our influential settlers are gentlemen who have paid our colony a visit, and, liking the climate and country, have sold out and become permanent residents."

He thought that was a consideration which rendered this route deserving of the utmost attention. The third line which had been proposed was that *viâ* the Cape of Good Hope to Sydney. Many objections had been raised to that route, such as the distance that a steamer would have to traverse without touching land; but he was given to understand that the experiment of the screw steamer *Bosphorus* had succeeded, and that therefore that objection was removed. These were the three lines of communication before the public, and which he thought worthy of the consideration of the Committee. He regretted that in his views upon this subject he differed from some hon. Gentlemen who were interested in it; and he regretted if, owing to the appointment of the Committee, the Australian colonies should be debarred for even four months longer from enjoying the advantage of steam communication; but he should regret much more if through entering into a hasty and ill-devised contract, injury should be done to the whole of our eastern communications. He could not consent to look at this question as affecting the particular interests of either India, Australia, or England, individually. It must be viewed as a question affecting all three countries together. He felt strongly that there could be nothing more important for our colonial interests than that wise and judicious arrangement should be entered into for rapid and general intercommunication with every part of the empire; and he thought that upon such a subject the appointment of a few practical men empowered to take evidence would afford great information to the public, while the Government would thereby be much aided in the conclusions at which it should arrive. He trusted he had said nothing that showed any disposition to prejudge the matter; and, in conclusion, he would state that his only motive for bringing the question forward was, because he thought that it was one of importance and interest to the public, and that the appointment of a Committee might be productive of useful effects.

Motion made, and Question proposed—

> "That a Select Committee be appointed to inquire into the state of the existing steam communications between England and India; and into the practicability of effecting any improvement in them; and also to inquire into the best mode of establishing steam communications between England, India and England, and Australia, as well as the various points upon the several routes between them."

MR. HUME seconded the Motion.

LORD NAAS said, he rose to propose an Amendment, the effect of which would be to oblige the Committee first to take into consideration the Australian part of the question, and afterwards the Indian portion of the subject. His noble Friend had, with his usual ability, made out a most excellent case for the appointment of a Committee to inquire into the first branch of his subject; but he thought that, as far as the Australian branch was concerned, his noble Friend had not been so successful. The questions of steam communication with India and Australia had little to do with each other—one had been for some time established, the other was yet in embryo, and, as he thought, had been most cruelly delayed by the remissness of Her Majesty's Government. His noble Friend should therefore beware, lest, by proposing this Committee, he should be depriving for some further period of time our Australian colonies of the long-desired benefits of steam communication. That question had long attracted the attention of the country and of the Government, and owing to the delay that had taken place, he (Lord Naas) had felt it to be his duty, last year, to move the adoption of an address to Her Majesty on the subject. The House was led to believe, by the statement of the right hon. Gentleman the Chancellor of the Exchequer, that no time would be lost in perfecting that great scheme; but what, up to this time, had been the result? They were now half through another Session—seven or eight months had elapsed—and the Australian colonies were still as far off the completion of the undertaking as they were when they first took up the matter in 1844. He would shortly state to the House the steps that had been taken on the subject. In the year 1844, shortly after representative institutions had been given to New South Wales, the Legislative Council of Sydney passed strong resolutions on the subject of steam communication. In 1846 they appointed a Committee of the Council to consider it, and the Committee drew up a report recommending that 6,000*l.* should be voted by the Legislative Council for a communication between Sydney and Singapore, and also proposed the adoption of memorials to Her Majesty, praying for the establishment of that line. In 1847 the question was much agitated in this country; public meetings were held, and deputations waited upon different officers of the Government respecting it. In 1848 the contract entered into for three years with the owners of the sailing packets which had been employed in carrying the mails to Australia, expired. Up to that time there had been a tolerably regular monthly mode of communication between this country and the Australian colonies; and even that system was esteemed a great advantage by the colonies. But on the 4th of February in that year that contract expired; and the Government declined to renew it, being in hopes that a contract with some steam company would speedily be effected, establishing a superior mode of communication. From that day—the 4th of February, 1848—there had been no regular communication whatever with the Australian colonies; and the usual inconveniences arising from interrupted communications with this country had been acutely felt by the colonists. They had been obliged to pay a much higher price for the transmission of newspapers, periodicals, reviews, and Parliamentary papers, than any other colony enjoying proper communications. The Government having advertised for tenders, among the tenders sent in was an offer from a company not now in existence—the Indian and Australian Steam Packet Company—to perform the service for 26,000*l.*; and that offer was accepted. When this company had completed the contract, it was proved that it had not one shilling of capital subscribed; and yet such a company was allowed to keep the question entirely in its hands for nearly six months, and to keep every *bonâ fide* competitor out of the market. The state of the company was this, that so far from being able to put down a single steamer, or even the keel of a single steamer, it came under the operation of the Winding-up Act, and was entombed with many other companies of the same sort. It was clear that Government had not exercised sufficient supervision in giving so important a contract in that manner into the hands of a bubble company. In 1848, the Secretary of State for the Colonies, in a despatch to Sir Charles FitzRoy, the Governor of Australia, held out hopes to the colonists that the communication would be immedictely established; and they also had the assistant secretary to the Treasury writing that the Lords' Commissioners of that department were of opinion that so important a communication should not be allowed to depend solely on a question of expense, and that it should be established at all hazards. In 1849, the Peninsular and Oriental Steam Packet Company offered to perform the service between Singapore and Sydney for nothing, provided they got the sum paid partly by the East India Company and partly by the Government for the service between Bombay and Suez. The course taken by the hon. Gentleman opposite, the Member for Orkney, on this point, he thought was a very fair one. 115,000*l.* being the previous cost of the service, the offer of the Peninsular and Oriental Company was for 105,000*l.*, and it was proposed that 75,000*l.* of that sum should be furnished by the Government, and the remaining 30,000*l.* by the East India Company; but the East India Company declined to enter into the arrangement. So ended the year 1849; he did not wish to make any reflections on the East India Company for their conduct in this matter, he regretted the decision that the hon. Company had come to. It was quite certain that in point of law they had a perfect right to act as they did, and no one could object to their so doing, as they acted for what they considered the interests of the great country committed to their care; but in the autumn of 1850, shortly after he had submitted his Motion of last year to the House, notifications were issued by the Admiralty for the third time, calling for tenders for this service; and the result was, that a tender was now before the Government, which the right hon. Gentleman the Chancellor of the Exchequer did not think satisfactory. He (Lord Naas) had been informed that that tender from the Peninsular and Oriental Company wa an offer to perform the service between Singapore and Sydney, provided the usual rate of postage of one shilling on each letter going from this country to Sydney was allowed to them; and he understood that the right hon. Gentleman thought the tender now before the Government for performing the service for the amount of postage of letters alone, and free of expense to the Treasury, was unsatisfactory. Now all that he (Lord Naas) wished to do by the Amendment he had to propose, was merely that the Australian part of the noble Viscount's Motion should be gone into first, and should be reported upon as a totally and an entirely separate question. Within the last two months, he understood a contract had been entered into with a company to carry the mails to the Cape for 30,000*l.*, and a similar contract had been entered into with regard to Brazil. He therefore thought that the Australian colonies should at least be placed on an equality with countries of inferior importance, and that the Government should not allow of such inexcusable delay. The colonists of Australia now almost despaired of ever obtaining the necessary communication from their own Government; and the interminable delays had, he understood, induced certain parties among the colonists to appeal to the Government of the United States of America to put on steamers between Panama and Sydney. He thought there were very grave objections to such a course—a course to which he had been no party, but he merely mentioned the circumstance to show the feeling prevailing in the colonies; and he feared that if the House now refused to agree to his Amendment, and would not urge on the Committee the necessity of reporting speedily with regard to the communication with Australia, the colonists would be led to think, after the number of years that the subject had been neglected, that their friends in this country had forgotten them, and that there must be some agency in this country—something going on behind the scenes—calculated to deprive them of the benefits of this communication. The line between this country and Australia was yet open, and had not been given to any one; on the other hand, the contract between the Government and the East India Company had yet two years to run before it expired. He hoped, therefore, that the House would accede to his very moderate request, merely to transpose the wording of the noble Viscount's Motion, so that the Committee should consider the Australian branch of the question first, and should report first on that branch which might be acted upon at once, before they entered upon the consideration of that portion of their inquiry which (however soon they might report upon it) could not be acted upon for more than two years.

Amendment proposed—

"To leave out from the words 'appointed to,' to the end of the Question, in order to add the words, 'To consider first, the subject of steam communications, having for its object a line, or lines, connecting India, England, and Australia, and to report to the House the most fitting mode in which such communication may be effected, with due care to economy, and with advantage to the public interests; and afterwards to inquire into the question of the existing steam communications between England and India, and to report whether any improvements may be made in the conduct of those communications previous to the grant of a further contract to any company proposing to carry on that line,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. ADDERLEY seconded the Amendment.

VISCOUNT JOCELYN said, that he had already altered the original shape of his Motion, and he considered that he had framed it so as to embrace the object of the noble Lord the Member for Kildare.

MR. GLADSTONE hoped the noble Lord would not press his Amendment, as it was not very desirable as a general principle to tie the hands of a Committee, but rather to leave it to exercise its own discretion as to the order of its proceedings. No doubt there was great force in the noble Lord's observations as to the urgency, in point of time, of the Australian part of the question; but it would be better to allow the Committee, at its first meeting, to ascertain what witnesses are ready to be first examined, and what preparations were to be made as to the various parts of their inquiry; because if they tied their hands to enter into one part of the subject before another, very possibly the result would be no advantage to that particular part, and a positive disadvantage to the other portion.

Mr. F. SCOTT said, the noble Viscount had expressed himself anxious to bring before the Committee the various lines between England and Australia, and likewise India and Australia, so as not to exclude any line which might be proposed by the Goverment, or be suggested by any company to connect England with Australia, either by way of Panama, the Cape, or otherwise. Now, from experience of a former Committee, he was afraid that the terms of the Motion might restrain the Chairman of the Committee from entering into the question of any future contract which might be made, and that the Committee would feel themselves bound by the terms of the Motion carried by the House from considering any other contract which might be entertained. If the previous Committee had not felt itself hampered in that manner, perhaps there would have been no necessity for the Committee now asked for by the noble Viscount.

Mr. MACGREGOR regretted exceedingly that the Committee should be moved for at all, because, if agreed to, the whole question of the communication with Australia would remain entombed there until the end of the Session. He thought that the Amendment of the noble Lord the Member for Kildare ought to have been agreed to at once, and that the Australian colonies should not be reduced to the necessity of appealing to the United States to afford them a direct steam communication. He had no doubt, when he saw the fleet of ships that the Americans had within the last few months sent into the Pacific, that they would be perfectly competent to undertake the office; but he felt certain that the delay upon the part of the British Government, which must necessarily arise before the Report of the Committee could be made and acted upon, would be such as to create the greatest discontent in the colonies. He hoped the Government and the House would at once adopt measures for establishing direct steam communication with the colonies.

Mr. HUME trusted the House would adopt the suggestion of the right hon. Gentleman the Member for the University of Oxford not to tie the Committee up to a particular course, but to leave the Committee to pursue their own line of proceeding. The Committee would be desirous of giving the advantage of communication to all the colonies as speedily and as efficiently as possible; and the noble Lord the Member for Kildare, he had no doubt, would have the full opportunity of impressing his own views upon the Committee.

Mr. ANDERSON felt much difficulty in addressing the House on a subject in which his personal interests were, or might be supposed to be, concerned. As a director of the Peninsular and Oriental Company, however, he felt it his duty to allude to some statements of the noble Viscount who had moved for the Committee. The noble Viscount was kind enough to say that he had no feelings of hostility towards the company; but he had made an *ex parte* statement which would tend very materially to injure the property of the shareholders. The noble Viscount had read a letter from the Chamber of Commerce of Bengal, in which they gave a very dreadful account of irregularities alleged to have occurred; but he begged to say that that letter had been entirely contradicted. He could show them letters from two persons who had made a voyage in the same ship, and who had been treated in precisely the same manner, one of whom condemned the arrangements of the vessel, while the other was extremely laudatory of them.

The CHANCELLOR of the EXCHEQUER said, it seemed to him, considering that on the whole they were all agreed on this question, that they had occupied more time than was necessary to obtain an object with which nobody in the world differed, because nobody denied the extreme importance of steam communication with the Australian colonies, and the importance that it should be established as speedily as possible. He had told the noble Viscount that he thought inquiries before a Committee might be beneficial in putting the House and the Government in possession of information, and in enabling the Government to do that which it had yet been unable to do. The importance of the subject he had never denied, and it had always been his endeavour, as far as possible, and as rapidly as possible, to carry out a steam navigation to our Australian colonies. But he could not allow the statement to pass unnoticed that it was his duty to provide the requisite communication, totally regardless of the expense. What he felt bound to do was to obtain the best communication he could as cheap as he could. The noble Viscount had said the object might have been effected with a positive saving; but he could not have acceded to the offer that had been made while the Government was bound by an existing contract. The Government had advertised for tenders for the performance of part of the service; and it was quite true that he had not thought any tender that had been sent in was such as the Government could accept. With regard to the terms of the Motion, he did not think the slightest advantage would arise from the Amendment of the noble Lord the Member for Kildare, because, of course, it would be in the option of the Committee to take any part of the subject which it thought most important before any other. Besides, his conviction was, that everybody who knew anything of the subject, was aware that it was perfectly impossible to establish a separate communication for Australia, without taking into consideration the communication between this country and other parts. If the colonies should be able to set up a communication between Sydney and Singapore and other places, that would be all very well; but what we must consider was a communication between this country and Australia. First, then, the Amendment of the noble Lord was unnecessary; and next, if the Committee were to be fixed by it, it would paralyse all their efforts, and render their inquiries of no possible advantage. He did not think the noble Viscount's own Motion would fully carry out the object they all had at heart. Its terms omitted a point of very great importance to the Australian colonies—namely, a communication between them and China. He thought he could suggest words, if the noble Viscount would allow him, that would embrace all that was wanted. As the hon. Member for Montrose said he did not wish to restrict the inquiry at all, yet he hoped they would not wander from their main object, and bury it under the Committee, but that they would obtain the information to enable the Government to effect what was beneficial for India, for the colonies, and for all the interests concerned. What he proposed to substitute was, to inquire into the existing steam communication between India and China, the possibility of effecting improvements therein, and the best mode of establishing steam communication with the Australian Colonies.

VISCOUNT JOCELYN was much obliged to his right hon. Friend for suggesting that alteration in the terms of his Motion. That suggestion would carry out his object better than his own proposition. He could assure the noble Lord the Member for Kildare that no one felt more strongly than he did the importance of speedily establishing steam communication with the Australian Colonies; but he must say he thought it would be very improper to fetter the discretion of the Committee by prescribing a specific course to regulate the order of its inquiries.

MR. CARDWELL took it that the real object was that the Committee should be free to go into the whole case in the widest possible manner. They did not propose ending merely in a blue book, but in satisfying all the colonies and the commercial communities interested, and in having that object effected as quickly as possible. It was desirable, as the Committee was to be appointed, that it should be universally understood on the part of the public that the order of reference should include the question as to the route by Panama, and the route to unite the Australian colonies with China. The terms of the Motion should be enlarged, so as to embrace the colony of the Mauritius, and all the other places which it was desirable to connect in the communication which was to go by Australia.

MR. HUME understood that when they took the line to Australia by the Cape, they would of course include all the intervening colonies.

The CHANCELLOR OF THE EXCHEQUER said, he had so drawn the terms of the Motion—"the best mode of establishing steam communication with the Australian Colonies"—that it would include the route by Panama, and all the other points involved in the question.

SIR T. D. ACLAND said, that at present the letters leaving Liverpool in the evening were divided at Birmingham into London and west country letters, which arrived precisely at the same hour at Southampton and Plymouth. Supposing a vessel sailing that afternoon from Southampton to touch at Plymouth or Falmouth, there would be a gain of a whole day from the north-western parts of the island. Again, letters leaving London, at eight or nine at night, arrived at Plymouth at six in the morning, within an hour or two of the time that the steamer leaving Southampton at three in the afternoon passed within twenty or thirty miles of Plymouth. The correspondence of the west of England was subject to another disadvantage: letters posted at Plymouth at six in the evening, and travelling to London to go by the Peninsular and Oriental mail, arrived the next afternoon at Southampton, and would again pass the meridian of Plymouth within thirty miles of the place, thirty-six hours after leaving it. This was a question of no small importance, and he hoped it would form part of the consideration of the Committee. Since the question was last decided by the Admiralty, nearly 100 additional miles of railway had been formed in that direction, making a difference of six or seven hours in the transit between Plymouth and London.

Sir F. T. BARING was afraid that it would be impossible for the Committee to undertake inquiries of that kind in addition to their more immediate duties. They would overload the Committee, and lead to infinite delay.

Mr. ADDERLEY said, the right hon. Chancellor of the Exchequer had stated that there was no use in discussing this Motion and the Amendment, because they were all agreed upon the necessity for some inquiry. He (Mr. Adderley) said, however, that they were not all agreed as to what needed inquiry, or how the inquiry should be conducted. Far from it. They might all be agreed that it was important and useful to this country and the colonies that a Committee should be appointed on the large question of steam communication with all the world; but what they were not all agreed upon was as to the need of inquiry about Australia. He would ask the right hon. Chancellor of the Exchequer why Australia should be included in this inquiry at all; and if he could not tell why Australia should be included, it would be still more difficult for him to tell why Australia should be put at the fag-end of a perfect encyclopædia of the whole eastern world. Nobody asked for this Committee with regard to Australia—nobody wanted it but the Chancellor of the Exchequer himself, to get himself out of a scrape. Australia did not want it—it repudiated it, because the question of Australian communication was understood and settled already. Who had asked for Australian inquiry? Not the noble Viscount the Member for King's Lynn; it was tacked on to his inquiry without any desire on his part, but merely because of the Chancellor of the Exchequer's irresolution, who had made up his mind years ago, and had entered fully into the question, and knew everything about it, and did not require any more information. The right hon. Gentleman had stated long ago that he had made up his mind on the question, and yet he called for fresh inquiry; and what was his object? It was because he had been impeded by the East India Company, and he feared to carry out in face of that Company his own views, and, therefore, he wished to bolster them up by the help of this Committee. He would ask whether Australia was to be put in the appendix of a long investigation into Indian affairs? The colony would know who had done it—the right hon. Gentleman the Chancellor of the Exchequer; and knowing that he had made up his mind what was the best communication between Australia and this country, and that he could not point to a single advantage to be gained by this Committee with regard to these colonies, they would ask him at least to state some reason why he did not act at once? Earl Grey, the Secretary for the Colonies, had got all the information, and made up his mind also three years ago, for he then asked the Legislative Council of Sydney to make an offer towards the undertaking; and was it possible that the Secretary of State could have called upon the Legislative Council of Sydney to vote 6,000*l.* three years ago for an object which he had not yet made up his mind to carry out? What would be thought of such premature and illusory instructions out there, or what hope was there, with these delays without any assignable reason, of ever arriving at a practical decision? The right hon. Gentleman had drawn up in the midst of the debate a fresh form for the Motion of the noble Viscount the Member for King's Lynn. It might be much better—it had made it more capacious—it had extended the question to China, and a thousand other places; but still Australia was put in the appendix. That was the point to which he could not agree; and that was the grievance remedied in the noble Lord the Member for Kildare's Amendment. Why had the noble Lord been asked to withdraw his Amendment? Why it would be worse now for Australia than it was at first, because now they were to have an interminable inquiry, and Australia was to be put at the end of it. He would advise, and he hoped the noble Lord would not withdraw his Amendment till he distinctly understood from the noble Lord the Member for King's Lynn that he would allow the Committee to place Australia first in their inquiry on communications; and not only that, but that he would consent to report on that branch first; because all they were asked to do with relation to communication with Astralia was only to sit in incubation on the information already collected by the right hon. Gentleman, and bring it to light. It could not require many hours for that; three days would suffice to go through a preliminary inquiry merely as an act of compliance with the right hon. Gentleman's wishes, that they should bring to light the decision he had had in his breast for some time past. He was speaking utterly disinterestedly on this question; he had not the slightest interest in any of the companies concerned—he had not even an interest in Australia itself. But as everybody allowed the enormous importance of that communication, and as the colonies were getting irritated because they wanted postal facilities, the great instrument of modern civilisation, and were still behind all the rest of the world with regard to it, these incessant delays were almost enough to justify any amount of indignation, and acts of resentment on the part of the colonists; and unless the Australian colonies were to go first in the inquiry, and to be the subject of a preliminary report, and to be clear from a question that was unnecessarily obstructed, he would advise the noble Lord not to withdraw his Amendment. He (Mr. Adderley) would thank the right hon. Chancellor of the Exchequer to answer the question he had put to him—what on earth a Committee could do in the way of inquiry to put him in possession of further facts, or of any information that could alter his decision as to steam communication with Australia, or which was the best of the tenders already made to him?

MR. DIVETT said, that though he was as anxious as any one to extend the benefits of steam communication, he entirely disagreed with the hon. Gentleman who had last spoken. It was utterly impossible to do justice to the Australian colonies themselves without a full inquiry, owing to the difficulties of carrying out the communication in an efficient way. He knew that the right hon. Gentleman the Chancellor of the Exchequer was most anxious last year to carry it out as a distinct question; but the conduct of the East India Company having thrown obstacles in the way of that arrangement, it became necessary to consider the question as a whole. Three routes had been suggested—Panama, Singapore, and the Cape; but there was a fourth, which appeared to have been altogether forgotten, from Singapore down to Swan River. That route was not advocated by the Sydney people; but there was no doubt that, in a short time, they would be satisfied that route was the best for themselves and the whole of the colony. The hon. Member for North Staffordshire had not done the right hon. the Chancellor of the Exchequer justice; and he had also overlooked the fact, that it was utterly impossible that this question of steam communication could be arranged on a perfect and permanent basis without the fullest possible inquiry.

VISCOUNT JOCELYN said, he could make no promise that the case of Australia should be first taken into special consideration, and reported upon separately by the Committee. He thought the right hon. Gentleman the Chancellor of the Exchequer had been very unfairly attacked; and when the hon. Gentleman the Member for North Staffordshire said, that his Motion had been framed by the right hon. Gentleman, he must say he had had no communication whatever on the subject with the right hon. Gentleman till within the last three or four days.

LORD NAAS was most desirous that the branch of the subject connected with Australia should have been allowed to engage the first inquiries of the Committee; but as such a course appeared to be considered unusual, he would withdraw his Amendment.

Amendment and Motion, by leave, *withdrawn.*

MR. PRINSEP thought the words of the resolution exceedingly wide; and he feared that justice would not be done to Australia by an inquiry that bid fair to be very protracted. Would the Government feel justified in suspending its measures merely because the Committee was sitting?

MR. AGLIONBY thought they were fighting with a shadow instead of a substance. He trusted there was no intention to refuse to consider the want of communication with Australia at as early a period as possible. He approved of making the proposed inquiry an enlarged one, as the best mode of carrying out what had so long been anxiously desired. He hoped that New Zealand would not be forgotten in the investigations of the Committee.

Viscount JOCELYN said, New Zealand was included in the route by Panama.

The CHANCELLOR of the EXCHEQUER said, he wished that the hon. Member for North Staffordshire had made his attack before he (the Chancellor of the Exchequer) had spoken. With the appointment of this Committee he had had nothing to do; the Motion was that of the noble Viscount the Member for King's Lynn. What he had distinctly stated was, that it was perfectly impossible to consider the question of Australian communication except in connexion with some other. He had never concealed his own opinion as to what was the best mode of effecting that communication; but it did not rest with him to carry it out. He hoped the information elicited by the Committee would be such as to induce other parties to concur in his views. The hon. Gentleman opposite, the Member for Harwich, being a Member of the East India Company, was in a position to do more for promoting that communication than he could.

Mr. F. SCOTT said, it was perfectly competent for the Government to establish this communication if they chose. They had already expended 100,000*l.* in carrying out steam communication with places of much less importance than Australia. Would the Government take into consideration the propriety of establishing a temporary line of steam communication, either by Her Majesty's vessels or in some other way, pending the inquiry of the Committee, or at all events until the termination of the Peninsular and Oriental Company's charter in 1853. The Dutch Government had a communication between Batavia, Java, and Singapore, by means of Government vessels.

The CHANCELLOR of the EXCHEQUER said, the question was about being referred to a Committee, which would consider most of these points; and, if they confined their attention to the main questions, they would be occupied but a very short time.

Motion made, and Question proposed—

"That a Select Committee be appointed to inquire into the existing Steam Communications with India and China, and into the practicability of effecting any improvement therein; and also into the best mode of establishing Steam Communications between England, India, China, Australia, or any of them, as well as any points upon the several routes between them."

Mr. AGLIONBY said, he would move as an Amendment, the addition of the words "and New Zealand." He did not wish the thing to be left at all loose.

The CHANCELLOR of the EXCHEQUER thought the general words were for the best. If they began to specify this or that place, other hon. Gentleman would want others added—the Feejee Islands, perhaps.

Mr. CARDWELL was also in favour of the most general words possible.

Amendment proposed, after the word "Australia" to insert the words "New Zealand."

Question, "That these words be there inserted," put and *agreed to.*

Main Question, as amended, put and *agreed to.*

Select Committee appointed.

DIFFERENTIAL DUTIES (SPAIN).

Mr. ANDERSON rose, pursuant to notice, to call the attention of the House to the differential duties levied on British ships in the ports of Spain. Having first presented a petition on the subject from merchants and shipowners of London, the hon. Member was proceeding to explain his views upon the question, when he was interrupted by

Mr. HUME, who said, that with a view to save the hon. Gentleman trouble, he wished to ask the right hon. Gentleman in the chair, whether it would not be necessary that they should go into Committee of the whole House, to consider the provisions of the two Acts referred to in this Motion?

Mr. SPEAKER said, that that depended on whether the hon. Member for Orkney intended to conclude with a Motion for leave to bring in a Bill. If he did, then the suggestion of the hon. Member for Montrose was a correct one; if not, it would not be necessary.

Mr. M. GIBSON wished also to ask another question, as to a point of order in connection with this subject. The hon. Mover, he said, wished to increase duties; but if so, ought he not, in accordance with the rules of the House, to be in a position to say that he had the assent of the Ministers of the Crown to the introduction of the Motion—that was, provided he was going to proceed by an Address to the Crown?

Mr. SPEAKER said, if the hon. Member meant to propose increased taxation, that should be done in a Committee of the whole House, but it was not necessary that he should have the recommendation of the Crown; but for an increase of the estimates it was necessary to have that recommendation.

Mr. ANDERSON then proceeded with his argument, contending that the subject was one of very considerable national importance. Differential duties, he might state at the outset, were not duties imposed for the purpose of revenue, but to secure a monopoly of the carrying trade to the ships of the country imposing such duties, and consisted of higher rates of duty levied on goods when imported or exported in foreign ships, than when imported in the ships of such country, with the object of excluding foreign ships from participating in its carrying trade. Spain had carried this exclusive policy to a much greater extent than any other country in the world; and while we have been relaxing our navigation laws in favour of her shipping, she has been proceeding in a directly opposite course in regard to our shipping, until at last her differential duties had driven British shipping to a large extent out of the trade with Spain and her dependencies. Not only the shipowners, but the merchants connected with Spain, had for many years felt this aggressive and obstructive policy of Spain towards British navigation and trade to be a serious grievance, for the removal of which they had a right to call for the interposition of the British Government. Numerous representations to that effect had been from time to time made to the Government, but without effect, and they considered that the time had arrived when Spain ought to be made to feel that she can no longer be permitted to pursue this hostile course of policy with impunity. He would, by a statement of some facts, contrast, somewhat in detail, the treatment of British vessels in Spanish ports with the treatment of Spanish vessels in British ports, as stated in the petition he had presented. From the year 1824, when the relaxation in our navigation laws, made by the late Mr. Huskisson, took effect, Spanish vessels had been admitted to import goods from Spain into the ports of this kingdom, on the same terms in respect to the duties on such goods as British vessels; and since the 1st January, 1850, under the provisions of the last Navigation Act, the whole carrying trade of the world with this country had been thrown open to Spanish vessels on precisely the same terms as to British vessels. But what had been the conduct of Spain towards British vessels during this long period? Why, she had imposed such heavy additional duties on goods imported into Spain or the Spanish colonies in British vessels, although such goods might be the produce of the united kingdom, as almost to prohibit the employment of British vessels in the trade with Spain. The hon. Member then read extracts from the last Spanish tariff, and stated from it a few items of these differential duties. Salt dried fish, an article of large import into Spain, and chiefly from Newfoundland and other British fisheries, if imported into Spain in a British vessel, paid about 3*l.* 5*s.* per ton duty more than if imported in a Spanish vessel. Cinnamon and cloves, about 10*l.* additional duty. Pepper, tobacco, linen and cotton goods, were charged with equally high duties. And, as a general rule, the tariff imposed about one-third increase on the ordinary rates of duty, if the goods were imported in a British ship. These additional rates of duty operated as an almost entire exclusion of British shipping from carrying such goods to Spain, because were a British shipowner to offer to carry the goods even for nothing, the additional duties which the merchant exporting them would have to pay in Spain made it more advantageous for him to hire a Spanish ship even at an enormously high rate of freight, rather than send his goods in a British ship freight free. An instance of the operation of these duties might be now seen in the port of London, where, of twenty-three vessels loading for various ports of Spain, nineteen were Spanish, and only four were British. If they went to the important colonies of Spain, such as Cuba and the Philippines, the same exclusive system prevailed in equal if not greater force. If a British ship imported goods into Havannah, they had to pay from 24 to 30 per cent of duties; whereas, if the same goods were imported in a Spanish vessel, they only paid from 17 to 21 per cent, being a difference of from 7 to 9 per cent *ad valorem* in favour of the Spanish vessel. Again, on exportation, if sugar or other produce of Cuba was exported in a British vessel, it paid 6¼*d.* per cent duty; but if exported in a Spanish vessel, it paid only 4½ per cent, or, if destined for a Spanish port, only 2½ per cent. The tonnage duty, also, on a British ship at Havannah was a dollar and a half, equal to 6*s.* 6*d.* sterling; whereas, on a Spanish vessel, it was only five reals, equal to 2*s.* 6*d.* per ton, giving an advantage of 4*s.* per ton to the Spanish ship over the British ship. At Manilla a similar system prevailed. The duty levied there on goods imported in a British vessel was 14 per cent *ad valorem,* and on a Spanish vessel only 7 per cent, British vessels being shut out from the trade with this important place by the imposition of a double duty. He would now proceed to show to the House some of the effects of this restrictive policy on the part of Spain on the shipping and trading interests of this country. And, first, with regard to the trade between the united kingdom and Spain. The current rates of interest at present, from London to Bilboa, was about 2*l.* per ton by a Spanish vessel. By a British vessel it was only 1*l.*, or half that which the Spanish vessel obtained; and, even at that rate, British vessels were seldom employed, and only for the conveyance of goods of low value, and subject to low rates of duty. To Cadiz and Malaga the freight by Spanish vessels was about 45*s.* the ton; by a British vessel only 15*s.*, or about one-third of the rate of freight obtained by Spanish vessels. But the effect of this restrictive policy of Spain was perhaps nowhere to be seen in such force as in the important fishing trade between Newfoundland and Spain. That trade was formerly carried on entirely in British fast-sailing vessels, constructed expressly for the purpose. In consequence of the high differential duties, they had now been driven out of it, and the trade was now carried on almost exclusively in Spanish vessels. He had a list of the cargoes of cod fish exported from Newfoundland direct to Spanish ports during the last fishing season. Out of 70 cargoes so despatched, 69 were sent in Spanish ships, and only one in a British ship. The trade with Cuba, in spite of the restrictions to which he had alluded, employed about 200 sail of British vessels annually, because Spain, even with all her efforts to monopolise the carrying trade for her own vessels, cannot supply shipping nearly sufficient for the wants of the trade. But were British vessels placed on an equal footing to compete with those of Spain, he had no doubt the number of British vessels in the trade with Cuba would soon be more than doubled. With regard to Manilla, he had seen a letter from a shipowner, stating that he, the shipowner, had a fine first-class ship loading at Liverpool for Manilla, and that there was a Spanish vessel, described as a very inferior one to the British ship, also loading at Liverpool for the same destination. Now, the British shipowner went on to state that it was with great difficulty he could obtain cargo for his vessel, although he was offering to receive goods at so low a freight as from 15*s.* to 25*s.* the ton, while the Spanish ship, his competitor, was loading fast at rates of freight of from 80*s.* to 100*s.* the ton. To remedy, as far as possible, the injury to the trade by this system, goods for Manilla are now generally sent in British ships to our free port of Singapore, where they are obliged to be landed and reshipped in Spanish ships to Manilla, the Spanish ships generally charging more than double the rate of freight for carrying the goods from Singapore to Manilla, being only 1,300 miles, than the British vessels charge for carrying them from England to Singapore, a distance of 8,000 miles, being six times the distance from Singapore to Manilla. Such were some of the effects of the restrictive policy of Spain on the British shipping interest. He would now proceed to state some instances of its operation in obstructing the natural course of international commerce. He would first refer to documents which he had recently received from Alicant, namely, a copy of a memorial from British merchants resident at that port, to the noble Viscount the Secretary of State for Foreign Affairs, and a list of arrivals, sailings, and sales of cargoes of fish at that port. The hon. Member here read extracts from the memorial, complaining in strong terms that the Spanish tariff had not only excluded British shipping from the trade with Spain, but was fast destroying the trade itself, by compelling them to employ the inferior shipping and mariners of Spain at greatly higher rates of freight than British ships could be had for, together with the high rate of duty imposed on British-cured fish by the last tariff, that of 1849. That the sale of fish imported into the port of Alicant to the consignment of the memorialists had averaged about 5,000 tons annually, but that in consequence of the measures of the Spanish Government alluded to—and particularly to the increased differential duties imposed by the tariff of 1849—they had only been able to sell one small cargo of 100 tons by a British vessel, and that at a heavy loss, while about 2,000 tons were imported in Spanish vessels and sold. By a trade list from Alicant, he found that, while this one solitary cargo was imported in a British ship, 43 sail of British ships which called at that port with cargoes of fish for sale, were compelled to proceed on to the Italian and other ports in the Mediterranean, not being able to dispose of a single cargo at Alicant. These British merchants prayed urgently that the British Government would adopt measures to compel the Spanish Government to a more just course of policy, expressing their conviction that no other means would be effectual. He would now refer to an extract from the annual report of the Board of Fisheries in Scotland, which stated that the trade in Scottish-cured cod and ling fish to Spain had been greatly checked by the high duties in Spain, but more particularly by the differential duties in favour of Spanish ships, such ships being very difficult to procure, and only at very high rates of freight. This report stated also an instance where a cargo of fish which had been shipped in a British vessel was obliged to be landed again and warehoused, in order to wait the arrival of a Spanish vessel. But he could state many instances within his own experience of the injurious consequences to trade of this policy of Spain; but, not to weary the House with details, he would only advert to two. He recollected once despatching two vessels on the same day from London to Bilboa; the one was a Spanish vessel, the other a British one. The Spaniard had obtained a cargo and a good freight; but the British vessel, in consequence of the differential duties, could not obtain any cargo, and was compelled to proceed in ballast, being chartered to bring a return cargo of wool. When the Spaniard had got as far as off Ramsgate, not liking the look of the weather, he put into Ramsgate harbour to wait for its bettering. The British ship pushed on, reached Bilboa, loaded her cargo of wool, and actually arrived with it in the London Dock, while the Spaniard was still lying weather-bound in Ramsgate harbour. Some years since, being then connected with a fishing establishment in these northern islands of Scotland which he had the honour to represent in that House, he received an order from a Spanish merchant in Bilboa to send him a cargo of dried fish. The differential duties in Spain compelled him to employ a Spanish vessel to carry the cargo to Bilboa, and the freight, together with additional premium of insurance, made the cost of transit nearly four times as much as it would have been by a British vessel. But this was not the worst of it: the master and crew of the Spanish vessel gave an illustration of the skill and energy which the Spanish protective system had created in her mariners. They were three months and some days in effecting their passage from the Shetland Islands to Bilboa, although nothing particular had occurred to their vessel—about the time that one of the first-class British ships requires to make a passage to India. Now, the fish being so long kept in a perhaps not over-tight vessel, arrived, as might have been expected, in a damaged state, and being, besides, too late for the proper season, his (Mr. Anderson's) correspondent lost a very considerable sum by the speculation. He determined to have no more to do with Shetland fish in Spanish vessels, and thus the poor Shetland fishermen had one of the best outlets for the produce of their industry seriously checked. He could multiply instances of the injurious operation of these differential duties on British shipping and commerce; but he believed that the House would admit that he had sufficiently established a case against Spain of aggression in these important British interests, which ought no longer to be tolerated, and an effectual remedy, he submitted, was in the hands of the Executive Government. The Act for repealing the navigation laws empowered the Queen to lay countervailing duties in the ports of this kingdom on the ships of such foreign countries as might levy higher rates of duty on British ships. He could see no reason why this power should not be exercised towards the ships of Spain. That Power had gone far beyond any other in her restrictive, he might say aggressive, policy. She had violated every commercial treaty she had entered into with this country. Article 38 of the treaty signed at Madrid, in 1667, stated—

> "People and subjects of King of Great Britain and King of Spain shall have and enjoy in the respective lands, seas, ports, havens, roads, and territories, of the one or the other, and in all places whatsoever, the same privileges, securities, liberties, and immunities, whether they concern their persons or trade, with all the beneficial clauses and circumstances, which have been granted, or shall be hereafter granted, by either of the said Kings, to the Most Christian King, the States General of the United Provinces, the Hans Towns, or any other Kingdom or State whatsoever, in as full, ample, and beneficial manner as if the same were particularly mentioned in this treaty."

This was confirmed by the 9th article of the Treaty of Utrecht in 1713, and particularly as to—

> "All duties, impositions, or customs whatsoever, relating to persons, goods, and merchandises, ships, freight, seamen, navigation, and commerce, as subjects of France or any other foreign nation."

It was confirmed also by 2nd article of the Treaty of Commerce of 1713. The 4th article of the Treaty of Commerce of Madrid, 1715, stated that—

> "The said subjects (British) shall not anywhere pay higher or other duties than those which his Catholic Majesty's subjects pay in the same place."

The 5th article of the same treaty confirmed the 38th article of 1667; and the Treaty of Peace, dated—"Madrid, Aug., 1814," confirmed all treaties previous to 1796. We had patiently submitted to the injustice of Spain for twenty-seven years, and we could not, therefore, now be accused of precipitation in seeking redress. That course, it must be borne in mind, rested on an entirely different principle to any attempt to coerce a foreign Power to alter duties, however high they might be, imposed for mere purposes of revenue. And if Spain levied an import duty of 100 to 150 per cent on the produce of our fisheries, and on articles of extensive consumption among her people, we had no more right to compel her to alter these duties than the Chinese Emperor had to compel us to alter our enormous duty of 300 to 400 per cent on the chief produce of his country, and on an article of extensive consumption among our people—tea. That we had a right to resist the fiscal warfare carried on by Spain against our mercantile marine, by a wisely defensive measure, he thought there could scarcely be a doubt. Perhaps the only question to be raised was, would it be effectual? Might it not provoke Spain to impose still higher differential duties in favour of her own shipping, to the still greater obstruction of trade? He would state a fact which he considered would set that question at rest. He would refer to the course adopted by the United States of America. Under a fundamental law of the States (as most hon. Members were, no doubt, aware) foreign ships in American ports were treated exactly in the same manner that American ships were treated in foreign ports. Under this law Spanish ships had been for many years past subjected to countervailing additional duties in all the ports of the United States. Spain had never ventured to increase her differential duties as against the United States, and the effect of the American policy had been to exclude almost entirely Spanish vessels from the ports of America; as a confirmation of the fact, he would state that he had examined some American shipping lists, and he found that at the port of New York, between which and the Spanish islands of Cuba and Porto Rico, particularly, there was an extensive trade, out of an annual average arrival of nearly 2,500 sail of vessels of all countries, the number of Spanish vessels was only two. He had little doubt that a similar result would soon follow the adoption by our Government of the measure he recommended, which could scarcely fail to compel Spain to alter her policy. He wished to state, in conclusion, that, as a British shipowner, he was willing to run the race of competition with the world. He had given his humble support to the repeal of the navigation laws, and, although he had voted for that repeal against the opinion of some of his friends connected with the shipping trade, he did not repent that vote. But he did expect fair play, and that he should not have unfair obstructions placed in his way.

Motion made, and Question put—

> "That this House will, To-morrow, resolve itself into a Committee, to consider the following Resolution:—That, with a view to the just protection of British Navigation and Commerce, it is expedient that under the provisions of the Act 12 and 13 Vic. c. 29, such additional duties should be levied in the ports of the British Empire upon goods imported or exported in Spanish ships, and on the tonnage of such ships, as may serve to countervail the differential duties on goods and tonnage levied in the ports of Spain and her dependencies on British ships."

MR. MOFFATT, in seconding the Motion, said, that he could confirm all that had been said by the hon. Mover with respect to the unfair operation of the differential duties imposed by Spain. About two years ago, Spain made an alteration in her tariff, principally, it was said, with a view of lessening the duties on articles of consumption. The duty on salt fish imported in Spanish vessels was, however, slightly increased, while the duty on salt fish imported in British vessels was very largely increased; in one instance, while the increase as to fish imported in Spanish vessels was 17 per cent, the increase as to importations in British vessels was 37 per cent. Now, that was one of the main articles of commerce with Spain. Then there had been a distinct infraction both of the spirit and letter of our treaties with Spain by the preference which she gave to France over us. France had the privilege of carrying from one port of Spain to another, while we had not; although in every commercial treaty between Great Britain and Spain it had been provided that the subjects of Great Britain should enjoy equal privileges in the Spanish ports with those of France. It might, perhaps, be said that there were certain treaties that stood in the way of the resolution now proposed; it might be said that we had had some differences with respect to the "most-favoured-nation" clauses in these treaties; but for the last two centuries we had been making treaties of commerce, friendship, and peace with Spain; and on one point after another Spain had been disregarding them, and therefore when we had adopted a new commercial system, he submitted to his noble Friend the Secretary for Foreign Affairs whether it would not be better to throw over all treaties with Spain. Let it be a *tabula rasâ*, and in future deal with Spain as she dealt with us. There was one objection that might be made to this Resolution, that it appeared as if they were seeking to maintain an influence by protection. He thought, however, that this was entirely an exceptional case. There was no nation in the world that had shown the same disregard of justice that Spain had done. Now he thought they must fight each nation with its own weapons, and if Spain was resolved not to come to a fair understanding with England without being forced to it, it might be our duty to force her to it. The question was whether, situated as the Spanish Government now were, we were likely to obtain anything like equity or justice from them without forcing them to it. He was sure that the course advocated by his hon. Friend, who had proposed the Resolution, would be very influential with them. If they found that we forbid Spanish ships bringing their sugars from the Havannah, and their fruits from Malaga, except on payment of heavy duties, we should soon have Spain more clamorous to be put on an equal footing with England than we had been to be put on an equal footing with Spain; and on that ground, and believing that the Resolution would be effectual to the end proposed, he should give it his cordial support.

MR. LABOUCHERE said, that both his hon. Friends had very accurately stated the facts of the case. The question might be divided into two distinct portions. Spain was at present levying, and had for a long period levied, differential duties of a very onerous description on goods exported from, or imported into, her harbours in foreign as discriminated from Spanish bottoms. It should, however, be admitted that in the year 1849, Spain had decreased the amount of those differential duties on the greater portion of commodities. These duties had amounted previously to that year to about 33 per cent, and had then been reduced to about 20 per cent. The levying of these differential duties was the first ground of complaint we had against Spain. Our second ground of complaint was of a totally different description. It was that Spain, in certain respects, treated the shipowners of this country not only less favourably than her own subjects, but less favourably than the shipowners of other foreign nations, and more especially those of France. His hon. Friend the Member for Orkney had truly said that we had entered into repeated treaties with Spain, some of them of ancient date, which laid down in express language the obligation that she should deal towards us on the terms of the most favoured nation. Now we certainly had a right to complain of the conduct of Spain in contravening that stipulation. Under the second head of complaint to which his hon. Friend had adverted, he believed that the most important item consisted in the fact, that higher harbour dues were levied in the ports of Spain on British vessels than on French vessels. Complaints had some time ago been made to the Spanish Government upon that subject, and that Government had professed its willingness to set the matter right. But, in point of fact, the only way in which that could be done consistently with the law of this country would be by the Spanish Government entering into a convention with us, upon which an Order in Council might be issued empowering the Lords of the Treasury to repay the duties on Spanish vessels entering our harbours. The Spanish Government professed itself willing to adopt the proposed principle, but stated that they did not wish to proceed by way of a Convention, which might fetter their independent action. They said that if we were to adopt the practice in question without any convention, they would imitate our example.

Now it appeared to him that was an unfriendly mode of proceeding, and a mere quibble and pretext to evade a compliance with a just and reasonable demand. His noble Friend the Secretary for Foreign Affairs had very recently renewed his remonstrances with the Spanish Government upon that subject, and he (Mr. Labouchere) had every reason to hope that those remonstrances would prove effectual. But if that hope should not be realised, it appeared to him that the best course which Her Majesty's Government could pursue would be to come down to that House and ask for powers to effect that arrangement for mutual concessions on the part of Spain and of England, without the necessity of any previous Convention. With regard to the greater question, namely, the manner in which Spain treated not only English vessels, but also all other foreign vessels, he should observe that no one could feel more strongly than he did the great injury which it inflicted on the trade and commerce of this country. But he felt convinced that any person who had listened to the statement of his hon. Friend who had introduced that Motion, must see that it was against Spain herself that that restrictive policy operated most prejudicially. His hon. Friend had told them that the Spanish mercantile marine, which that policy had been meant to foster, was reduced to a most helpless and inefficient condition. Now, he should say, that that was no great encouragement to this country to revert to anything like a restrictive system, with a view of protecting our shipping interest. He should also remind hon. Gentlemen that that burden on our commerce had been of long standing, and had not dated from the repeal of our Navigation Laws; and neither had it been greatly aggravated by that measure. It was quite true that by the repeal of the Navigation Laws we had thrown open what had been called the general carrying trade of the world to Spain, as well as to other foreign nations. But he believed that no one would contend that we had any reason to look upon Spain as a formidable competitor in that trade. On the contrary, it was a remarkable fact that no nation which had adopted the protective and restrictive system of navigation was to be feared in that great branch of commerce. Which were the nations that enjoyed the largest share of the carrying trade of the world, and that possessed the greatest mercantile navies? Why, they were the United States, the Baltic Powers, and England—the countries, in fact, that had shown the least disposition to dread the competition of foreigners. But he did not on that account say that it would not be most desirable for this country to obtain a repeal of the differential duties to which his hon. Friend had called their attention. Those duties inflicted peculiar injury on the constituents of his hon. Friend in the Shetland and Orkney Islands, by narrowing their markets. He was also well aware of the prejudicial effect which they produced in the Newfoundland trade. It was certainly a legitimate and proper object for the Government and Parliament of this country to induce Spain, if possible, to alter those discriminating duties. All he would say on that occasion was that that question had not been lost sight of by his noble Friend the Secretary for Foreign Affairs, and by Her Majesty's Government. They were at the present moment in active correspondence with the Spanish Government upon the subject. The diplomatic negotiations with respect to it had not yet been brought to a close; and he trusted that the House would not then interfere in the matter by coming to any vote upon a point which, in his opinion, it would be better to leave in the hands of Her Majesty's Ministers. If the House should do them the honour of believing that they were disposed to act on the subject in the manner they might deem most conducive to those interests which they were all anxious to promote, he hoped that the House would not adopt the proposed Resolution. He believed that the debate which was then taking place, and the expression of feeling in the British House of Commons that the trade between Great Britain and Spain ought to be conducted on a more just and liberal system, would not be lost on the Spanish Government. It was not, therefore, with any doubt of the importance of that subject, and still less with any disposition not to promote the objects which the hon. Gentleman had in view, that he ventured to express a hope that the House would not think it necessary to come to any formal vote upon that occasion.

Mr. Alderman THOMPSON said, it appeared to him that that case might be met by a clause in the existing Navigation Act. That Act gave Her Majesty in Council a retaliatory power against those foreign countries which did not reciprocate our mode of dealing with the shipping interest. It was well known that our policy had not been reciprocated by Spain, and that English vessels trading with Spain did not enjoy the same advantages which were enjoyed by Spanish vessels trading with this country, since the repeal of the Navigation Laws. If the Act were allowed to remain inoperative in that instance, then he said that such an example might work very prejudicially; for what security could they have that other countries would not imitate the conduct of Spain? They all knew that the Dutch Government also imposed, in certain instances, differential duties, to the disadvantage of the British shipowner. In the island of Java, British vessels landing cargoes were subjected to double the amount of the duties imposed on Dutch vessels. Remonstrances in such cases might be all very well; but when remonstrances were carried beyond a given point, they became totally worthless. In his opinion the time had arrived when some decided course of action ought to be taken with regard to Spain. He would not then enter into any general discussion on the subject of the Navigation Laws, or the justice and expediency of the late repeal of those laws. They would have other opportunities of considering that important question. But he certainly thought that the proposal made by the hon. Member for Orkney ought at least to engage the serious attention of Her Majesty's Government: and he hoped that without any decided vote of the House upon the subject, they would adopt such measures as might prove to Spain and the rest of the commercial world that England expected to have a reciprocity of action in her commercial intercourse with other nations.

Mr. HUME said, no country in Europe owed so much to England as did Spain; and he saw with regret the very little gratitude which her Government entertained towards this country. As the best means of exposing that ingratitude, he would wish to see the correspondence that had taken place, and the steps taken by Her Majesty's Government to obtain that reciprocity. He would like to see the correspondence for this reason, that nations, like individuals, often yielded to shame what they refused to justice. He did not wish it to be understood, however, that he was an advocate for retaliation. It was a question rather for the Spanish Government and the Spanish people, whether they were acting wisely in imposing a higher rate of duty on goods imported in British vessels. They had already one instance of the folly of retaliation in the case of the sulphur duty. They were unquestionably treated unfairly by the Government in Naples in regard to the sulphur duties, but when in retaliation they charged a duty of 4*l.* per ton on olive oil instead of 2*l.*, they only punished themselves. He thought they had been treated with the deepest ingratitude by Spain; but he thought they should put up with that ingratitude rather than have recourse to retaliation, which could only injure the people of this country, who had a right to have things as cheaply as they could be got. He regretted to say that the American Government also was running wild in the same manner, for they were levying duties to the amount of 100 per cent on certain articles, thus doubling the price to their own people. What could be more preposterous than to compel a man to pay 30 dollars for a coat which he might obtain for 15? Though an enlightened nation, the Americans were in this respect acting in complete ignorance of their real interests. As he did not consider what had been said by the right hon. Gentleman the President of the Board of Trade to be satisfactory, he hoped the noble Lord the Secretary for Foreign Affairs would state what steps he had taken with regard to Spain.

Mr. M. GIBSON said, he hoped his hon. Friend the Member for Orkney, after having heard the speech of the right hon. Gentleman the President of the Board of Trade would not press his Motion to a division. The Hon. Gentleman opposite, the Member for Westmoreland, thought that retaliation was a good policy. But though retaliation were a good policy—which he did not admit—was the time come for retaliating on Spain? Let them remember what a struggle they had in this country to carry a free-trade policy—that the alteration in their own Navigation Laws had taken effect but twelve months ago—and they would then probably make a greater allowance for foreign nations, and give them more time to come to the same conclusion as they had themselves come to. He would consider it a most precipitate and improper proceding if the Government of this country were to adopt a policy of retaliation against Spain under the existing relations between the two countries. The right hon. Gentleman informed them that Spain had made many reductions in her tariff, to the extent of 33 per cent.

MR. LABOUCHERE said, that what he had stated was, that the discriminating duties on goods brought into Spain in foreign vessels, which were, as he understood, 33 per cent, had been reduced to 20 per cent when the tariff was altered in 1849.

MR. M. GIBSON said, it would, in his opinion, be most unfortunate if, after having abolished the Navigation Laws, they were to withhold from Spain those privileges which they gave to all other nations. This would be to imitate what took place under the old Navigation Laws, which gave certain advantages to all other countries by allowing them to send goods in their own ships to the British colonies. But they withheld these advantages from Spain for twenty years, for in April, 1828, an Order in Council was issued, declaring "that vessels belonging to Spain were not to be allowed to carry on any direct trade between Spain and the British possessions abroad." What might be expected, as the effect of their withholding from Spain in particular for twenty years, privileges which they gave to the rest of the world? Why, this, at least—that it was no reason to make Spain less restrictive, or more liberal towards this country—and it was only by adopting and carrying out a liberal policy, that Spain could be expected to move in the direction of free trade. Having been in the Shetland Isles last autumn, he received certain information there which made him doubt whether the constituency of his hon. Friend approved of the proposition made by him on the present occasion. And for this reason—the constituents of his hon. Friend found it difficult to get a market for their fish in the ports of Spain, although there was a great demand for fish there, in consequence of the high differential duty on British vessels, and they felt this to be a great evil and hardship. But if, in addition to this differential duty on British ships arriving in the ports of Spain, there was to be also a differential duty on Spanish ships here, the consequence would be that they could not take their fish into the ports of Spain, either in British ships or Spanish ships, except under a high duty. As they were probably not far from a general election, he doubted whether this was a popular Motion for his hon. Friend to make. He hoped his hon. Friend was not in earnest in bringing forward this proposition, and that he did so rather with a view to get the Spanish differential duty removed, than with a view of inducing the Government to reverse their policy. He hoped the noble Lord the Foreign Secretary would state what had been done by the Government of this country, and that he would assure them that in all his communications to foreign Governments he declared that England would always regulate her policy in reference to the people of this country, and would not make her commercial policy contingent on the views of foreign countries.

VISCOUNT PALMERSTON said, he quite agreed with his right hon. Friend the President of the Board of Trade that the question which had been brought forward by the hon. Member for Orkney was one of very considerable importance to a large portion of this community. He also quite agreed that we had good cause of complaint against the Spanish Government for the course they had pursued—a complaint which, however, applied more to a long course of prejudice with respect to commercial matters than to any recent disposition on the part of Spain to pursue an unfriendly course towards this country. Indeed, as his right hon. Friend the President of the Board of Trade had stated latterly the Spanish Government had been rather relaxing than increasing the restrictions of their tariff. It was well known that Spain and Portugal were very far behind most other countries in regard to the principles of their commercial policy. But the Spaniards were beginning to move. They must not be expected to move more quickly than the captain of the merchantman who had been alluded to. They would not move on the first change of wind. They might not move until the wind had blown steadily for several days from the same quarter. But he hoped they would not delay so long as that Spanish captain they had heard of, who lay in Ramsgate harbour looking at the weathercock while the English merchantman went to Bilboa and came back. The Spanish Government at present kept 20,000 men, a strong and useful part of the population, employed as custom-house officers, while an equal number were engaged as smugglers in defeating the labours of the custom-house officers, and these 40,000 men were employed in preventing revenue from coming into the Spanish Treasury. He trusted the Spanish Government would begin to pursue a course more advantageous to the interests of Spain, and at the some more conducive to the interests of those countries who had commerce with Spain. He could assure the House that this was not only the impression upon his mind, but that it was very forcibly felt by the Government of Portugal. For when the Spanish Government began to alter their tariff, the Portuguese Government were apprehensive of losing a portion of revenue derived from importations into that country. The Portuguese Government were aware that a large portion of the foreign manufactured goods consumed in Spain paid duty in Portugal, and were smuggled, duty free, into Spain, and this was a most profitable proceeding for Portugal. Thus the Portuguese Government appeared likely to lose a very large portion of revenue. However, the Spanish Government persevered, and he trusted the result would be, not only that the Spanish Government would lower their tariff, but that the Portuguese Government would, as was reasonable, so far lower their tariff as to recover the pull they had before enjoyed upon the Spanish custom-house. At all events, the Spaniards were looking in the right direction. Her Majesty's Government had been and were still urging the Spanish Government upon the particular point to which the hon. Gentleman who proposed the Resolution had directed their attention. The House would probably expect him to comply with the request of the hon. Member for Montrose, by detailing all the arguments Her Majesty's Government had used during the negotiations, and the replies of the Spanish Government. No doubt, his own portion of this correspondence would be found to be an instructive lesson in political economy; but, on the other hand, he could not say that it would be very instructive to learn the reasons they assigned for not complying with the requests of Her Majesty's Government. The Government were urging the Spanish Government in the manner and to the extent he had described; and he should regret if the hon. Member for Orkney pressed this Motion to a division, because he thought that any expression of opinion or resolution of the House of Commons to effect this object would be prejudicial to the intention the hon. Member had in view in the present state of the relations between the two Powers. There was, in the first place, a discriminating duty of 20 per cent upon the goods of all nations brought into Spain; and, with regard to this differential duty, we stood upon the footing of the most favoured, or rather, he ought to say, the most unfavoured, nation. But there was another matter of less importance, but where the grievance was greater, namely, in the preference given to French vessels over English vessels in Spanish ports. The only question between the two Governments was as to the method of doing what was necessary; and, when both parties were agreed upon an object, they would not be long in agreeing to the particular mode of doing it. He trusted the hon. Mover of this Resolution would be satisfied with the effect which this discussion would have upon the Spanish Government, convincing them, as it would, that the Parliament of this country perceived that the grievance was a real one, and that, on the other hand, we were disposed to meet them in the most liberal manner with regard to our commercial arrangements with that country.

MR. BANKES said, the noble Viscount had made a very amusing speech, but a great part of it was far wide of the very narrow question the hon. Member for Orkney had brought forward for their consideration. They had enacted a proviso for the purpose of protecting British interests, and he called upon them to enforce it, Spain being of all other nations the one they had the best right to enforce it against, for they had been subjected to a long course of injury from that nation. That was the nation that had turned out their Ambassador in a summary way, and inflicted upon them the greatest insult that had been inflicted upon them in all their history; that was the nation that had repudiated their debt, and not only injured them, but added insult to the injury by the manner in which the chief Minister of the Crown proposed to satisfy the creditors. He said the payment of the debt was a matter of inclination on their part, and if they did not take one-half of it they would get none. He was by no means satisfied with the assurance of the noble Viscount that he had the matter under consideration, especially as he had not condescended to give them so much as an outline of the negotiations. He would certainly resist the withdrawal of the Motion. If the proviso was worth anything, and was ever to be exercised, now was the time. He had listened with satisfaction to the account given by the right hon. President of the Board of Trade of the competition between the Spanish and English vessels. It was certainly a great triumph to our vessels, masters, and seamen; and afforded a refutation to the aspersions cast on them during the debates on the Navigation Bill. He thought this was a very proper Motion, affecting as it did the interest of their shipping and the honour of their country; for he thought both had been outraged by the conduct of the Court of Spain, which had treated them for a long series of years with contumely and insult. The proper mode of redress was not by a mere discussion in that House. He doubted whether the Spaniards took the trouble of reading the newspapers; the proper way was, to give them a Vote of the House, and an Order in Council by the Queen, and then they would understand their language, but not until then. He, therefore, should give this Motion his support, and would not consent to its withdrawal.

Mr. CARDWELL thought they were much indebted to the hon. Gentleman who had brought forward this Motion. When they had opened their ports to the commerce of all foreign countries, and when they had not received reciprocal advantages, it should be known that the House of Commons was not asleep on the subject. He trusted that no Gentleman would speak on this question with any other motive but to obtain that right course of policy from the Court of Spain, which it was the object of this Motion. He made that remark, in consequence of the observations of the hon. Member for Dorsetshire, but he gave him entire credit for taking no step with regard to the debate, except that which would conduce to the object in view, namely, to obtain freedom for British ships in the ports of Spain. The question before the House was not that they should express their indignation at the want of reciprocity on the part of Spain. The Motion if carried would do this—it would take the matter out of the hands of the noble Lord the Foreign Secretary, and place it in their own hands. The question was, whether they were more likely to carry their object by encouraging the noble Lord, and by strengthening the hands of the noble Lord in doing the duty they had intrusted him with, or by taking the matter into their own hands? The question was, whether having, in the last Session of Parliament but one, placed in the hands of the Executive Government a certain power, and the Government having now come forward and told them they were doing their utmost in the matter, they would step in and take the weapons out of their hands, and say they could use them more effectually. The hon. Member for Dorsetshire had introduced other matters with respect to Spain, which he (Mr. Cardwell) thought should not have been mixed up in this question. They were anxious to get a reciprocal system of navigation with Spain, and the best thing they could do was not to trouble their heads about some ancient grudge with that country. The noble Lord had told them that the Government was engaged in doing what was required to the utmost of their power; and he (Mr. Cardwell) hoped that by expressing their opinion, and giving vent to their indignation, they would strengthen his hands. It would be unfortunate if it should go to the Court of Spain that they had a divided opinion on this question, or one that was not unanimous. It should go forth to the Court of Spain that the Government is determined, and the House of Commons unanimous, on the question.

Mr. WAWN would support the Motion. The question was whether the British shipowner was to be left to suffer an intolerable grievance. He taxed the right hon. Member for Manchester with indifference to the interests of the shipowner, who could not enter any port he pleased, like the right hon. Member in his yacht. If the proviso in the Navigation Act was anything more than a tub to the whale, let it be acted on.

Mr. J. L. RICARDO did not think it was ever contemplated that by a clause in an Act of Parliament they could change the whole commercial policy of any country. The Spanish Government did not mean to insult them by the establishment of those differential duties, but it was their policy to propose differential duties as between Spanish ships and the ships of all foreign countries. Suppose they retaliated on the Spanish Government, did they think it would stop there? It would not, but, on the contrary, the Spanish Government would go on retaliating against them until the annual export of British manufactures to Spain was entirely done away with. His right hon. Friend the Member for Manchester was perfectly right in the advice he had given to the hon. Gentleman by whom this Motion was brought forward; for how could the condition of the inhabitants of the Orkney and Shetland Isles be benefited by levying a tax upon their fish? The hon. Gentleman was going to tax their own fish for the benefit of his constituents; but when the matter came to be explained to them, they would not (as suggested by his right hon. Friend) altogether admire the plan of retaliation by which their fish would be taxed. He thought it would be just as well if the hon. Gentleman would listen to the advice he had received, before he pressed his Motion; and let him consider whether the resolution might not be taken in a different view from that in which he brought it forward.

MR. R. C. HILDYARD would ask hon. Members how it was that the Bill repealing the Navigation Laws was got through the House? He believed it was carried very much on the faith reposed by hon. Members in the assertion of the Government, that they would be ready if foreign nations did not act with reciprocity towards this country, to give effect to that clause. The House ought to consider what would be the effect on the shipowners of this country when they found that that provision about which so much parade had been made had been ineffectual. He would give the House some statistics with respect to the trade between Spain and this country in the year preceding the repeal of the Navigation Laws and the year following that repeal. In the year ending 5th Jan., 1850, the vessels that entered inwards from Spain were 117, and their tonnage was 17,842. That was the year preceding the repeal of the Navigation Laws. In the year succeeding the repeal, the number of ships that entered inwards from Spain had increased from 117 to 150, and the tonnage had increased from 17,842 to 23,742. It had been stated in the course of the debate, that out of 23 vessels clearing outwards from London to Spain, 19 belonged to the Spanish nation. The House had also been told that the trade between Newfoundland and Spain was altogether monopolised by the Spanish nation. Then he would ask was that clause in the Act repealing the Navigation Laws introduced by the Government in good faith, or not? If it was introduced in good faith, he would ask if there was any case in which it could be carried into effect more stringent and more palpable than the case now before the House?

MR. MITCHELL said, his constituents were very deeply interested in this question, their trade with Newfoundland having been seriously injured; but after hearing this debate, he was quite content that the question should be left in the hands of the the noble Lord the Secretary of Foreign Affairs.

MR. NEWDEGATE said, he could not understand the consistency of the hon. Member for Bridport, if he did not support the Government in enforcing the provisions of an Act which he was instrumental in passing. With reference to an observation that had fallen from the hon. Member for Montrose, that the Americans had had the worst of the bargain since the repeal of the Navigation Laws, he (Mr. Newdegate) was prepared to maintain that the result of the repeal, so far as concerned England and the United States, showed that the Americans had had much the best of the bargain. Was not the House aware that America had proposed a tariff of additional duties on foreign manufactures, and that it was only defeated in the Senate by a factious system of delay? He contended that no country in the world could dictate the commercial policy of the world. They might sacrifice their manufactures and their shipping, but it was not the will of Providence that all nations should be governed by one system, but, like families, each nation should consult its own interests, and do that which it considered best for its own prosperity.

LORD JOHN RUSSELL wished, before the House came to a division, to say a few words respecting the form and substance of this Motion. With respect to the general question of the Navigation Laws, whenever the hon. Gentleman the Member for North Warwickshire chose to enter into that subject, he would find that the result of a more liberal system of policy had been favourable not only to the Americans, but to the commerce of every nation in the world. There were exceptions; but those exceptions were very few, and did not include any of the great maritime Powers. With regard to the advantages that America might have derived from the repeal of the Navigation Laws, he believed that this country had derived greater advantages still, and he was sure he was not at all sorry if the United States of America had derived advantage from the change. It was to be desired that both countries should derive advantage from the repeal of those laws. An hon. Member had said, in the course of the debate, that the House could no longer listen to trifling negotiations. If that were so, the proper course would be to call, against the opinion of the Government, for all the despatches on this subject, all the treaties between Spain and this country, and then the House would form its own opinion upon the whole question. But to come to a conclusion without knowing really what the representations were that had been made, or what the answers were that had been given, or what was the state of the case between the two countries, would be a course so imprudent for the House of Commons to take, that they could hardly take it with any consistency. If this Resolution were adopted, there might be circumstances which would prevent its being carried into effect, for the Committee might expose themselves to the inability of the Crown to comply with the request of the House.

Mr. ANDERSON replied: With regard to the Motion, he said, that he regretted to find from the observations of his hon. Friend the Member for Montrose, and his right hon. Friend the Member for Manchester, that, notwithstanding his (Mr. Anderson's) explanation of the difference in principle between an endeavour to obtain free and fair competition for our merchant shipping, and to remove obstructions to international commerce—an endeavour perfectly consistent, as he considered, with the principles of free trade — they persisted in confounding it with the levying of retaliatory duties on foreign produce, because foreign countries might levy high duties on our produce. He maintained that the proposition which he had brought forward rested on a totally different principle. It was calculated to promote the freedom of trade by free and fair competition. He would never for an instant be so absurd as to propose, that because Spain, for instance, thought proper to levy a duty of from 100 to 150 per cent on the produce of our fisheries, as he had already stated, we should therefore put a duty of 100 to 150 per cent on her wool, and thus obstruct and enhance the cost of our manufacturing industry. His object was to cheapen the cost and improve the means of maritime transit, and to show that we could do so without detriment to any other British interest.

The House divided:—Ayes 53; Noes 98: Majority 45.

List of the Ayes.

Arkwright, G.
Baird, J.
Bankes, G.
Barrow, W. H.
Beresford, W.
Blakemore, R.
Boldero, H. G.
Booker, T. W.
Booth, Sir R. G.
Cayley, E. S.
Child, S.
Clive, H. B.
Cobbold, J. C.
Conolly, T.
Dodd, G.
Duke, Sir J.
Farrer, J.
Forbes, W.
Frewen, C. H.
Gallwey, Sir W. P.
Gaskell, J. M.
Grace, O. D. J.
Gwyn, H.
Higgins, G. G.
Hodgson, W. N.
Hotham, Lord
Jolliffe, Sir W. G. H.
Lennox, Lord A. G.
Macnaghten, Sir E.
Maher, N. V.
Moffatt, G.
Mullings, J. R.
O'Brien, Sir L.
O'Flaherty, A.
Pakington, Sir J.
Prinsep, H. T.
Renton, J. C.
Reynolds, J.
Sandars, G.
Scully, F.
Spooner, R.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Stephenson, R.
Stuart, J.
Sullivan, M.
Thompson, Ald.
Tyler, Sir G.
Tyrell, Sir J. T.
Walpole, S. H.
Wawn, J. T.
Willoughby, Sir H.

TELLERS.
Newdegate, C. N.
Hildyard, R. C.

List of the Noes.

Abdy, Sir T. N.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Anson, hon. Col.
Anstey, T. C.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Bass, M. T.
Bell, J.
Bellew, R. M.
Berkeley, Adm.
Bernal, R.
Blair, S.
Bright, J.
Buxton, Sir E. N.
Calvert, F.
Carter, J. B.
Clay, J.
Clay, Sir W.
Cockburn, Sir A. J. E.
Colebrooke, Sir T. E.
Craig, Sir W. G.
Cubitt, W.
Denison, E.
Duncuft, J.
Duudas, Adm.
Dundas, rt. hon. Sir D.
Ellis, J.
Elliot, hon. J. E.
Fagan, W.
Ferguson, Sir R. A.
FitzPatrick, rt. hn. J. W.
Forster, M.
Fox, W. J.
Freestun, Col.
French, F.
Graham, rt. hon. Sir J.
Grey, rt. hon. Sir G.
Guest, Sir J.
Harris, R.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Hayes, Sir E.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Henry, A.
Herbert, rt. hon. S.
Heyworth, L.
Hill, Lord M.
Hobhouse, T. B.
Hume, J.
Kershaw, J.
Labouchere, rt. hon. H.
Lewis, G. C.
Loveden, P.
M'Gregor, J.
M'Taggart, Sir J.
Matheson, Col.
Milton, Visct.
Mitchell, T. A.
Morison, Sir W.
Morris, D.
Mowatt, F.
Muntz, G. F.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, F.
Pilkington, J.
Power, Dr.
Power, N.
Ricardo, J. L.
Rich, H.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Salwey, Col.
Seymour, Lord
Smith, J. B.
Somerville, rt. hon. Sir W.
Strickland, Sir G.
Tancred, H. W.
Thompson, Col.
Thornely, T.
Verney, Sir H.
Villiers, hon. C.
Walmsley, Sir J.
Watkins, Col. L.
Willcox, B. M.
Williams, J.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, W. P.

TELLERS.
Brotherton, J.
Gibson, T. M.

ADMINISTRATION OF JUSTICE (COURT OF CHANCERY).

Lord JOHN RUSSELL: Sir, I rise for the purpose of bringing before the House a most important subject, for leave to bring in a Bill for the better Administration of Justice in the Court of Chancery. If the proposal I have to make solely concerned the administration of justice, I certainly should have been disposed to ask those who are more familiar with the proceedings in our courts of justice, to undertake the task on which I now propose to enter. But feeling that the office of Lord Chancellor, and all that is connected with his functions, deeply affect the whole of the government and legislation of this country, I have undertaken this task myself, thinking it better that the whole views of the Government on this important subject should be stated to the House, than that our view should be solely confined to the present distribution of offices and functions in the Court of Chancery. In bringing this question before the House, I should first state the changes that have been made during and since 1812, when the Bill appointing a Vice-Chancellor was passed by Parliament. In 1811 it was found that the duties which were then performed by Lord Eldon were of so laborious a nature that, notwithstanding the known industry and learning of that eminent Judge, it was considered to be impossible that he could perform all his duties in the Court of Chancery, together with those duties which belonged to him as the Supreme Judge of the House of Lords as a court of appeal. Lord Redesdale accordingly moved for the appointment of a Committee of the House of Lords on this subject, which resulted in the Bill to which I have referred. It is stated by Mr. Twiss, in the *Life of Lord Eldon*, that at that time the arrears in the Court of Chancery amounted to 276 causes, and that at the then rate of despatch it would require a period of twelve or thirteen years for the disposal of them, to say nothing of the further arrears which would have accumulated in the meantime. It was therefore decided that a new Judge should be appointed, under the title of Vice-Chancellor, to perform part of the duties of the Lord Chancellor. It was said at that time, and by no less eminent a man than Sir S. Romilly, that the appointment of a Vice-Chancellor was not necessary, and that the business then before the Court of Chancery was not much greater in amount than that which had been before that Court in the time of Lord Hardwicke. Lord Cottenham, who made a statement on a subsequent occasion, said that Sir Samuel Romilly had been mistaken in that respect, and he showed by a return how much greater was the amount of business in the Court of Chancery then than it had been in the time of Lord Hardwicke; yet I rather think that there was very great foundation for the statement made by Sir Samuel Romilly, for I find in the report of what was stated by Lord Cottenham, that while he said, that from 1761 to 1765 the causes set down were on the average 411, and that they had increased from 1831 to 1835, taking an average of years, to 1,283, being more than three times as many; yet he states at the same time, that the causes set down from 1810 to 1812 were, on an average, no more than 540. [3 *Hansard*, xxxiii. 402.] It would, therefore, appear that there had been an enormous increase on the appointment of a Vice-Chancellor, and that there was at the time of the appointment a very great number of causes then waiting to be heard in the Court of Chancery. But I imagine the fact to have been that the delays which prevailed at that time in the Court of Chancery, and the inadequacy of the judicial strength of the Court, were the causes of many matters being withheld, which would have come before the Court if there had been a prospect of an early settlement of them, and in that way injustice was done to the suitors who would otherwise have appeared in court. Now, whilst from 1810 to 1812 the average number of causes set down was 540, from 1823 to 1825 the average number was 945, and from 1833 to 1835 it was 1,301. It is evident, therefore, that the appointment of a Vice-Chancellor led to a very great increase in the business of the Court of Chancery, and that causes which would probably never have appeared there were brought into that Court in consequence of that appointment. I think it is nearly the same thing whether the number of causes brought into the Court cannot be decided owing to the arrear of business, or whether causes are not brought in from despair of being able to obtain a hearing for them. In either case there is a great evil to the subject, for there is a denial of that justice which it is the business of the State to see is done. Lord Cottenham stated at the same time that there was a very great increase in the number of petitions, and that they had increased from 1,487, the average of 1821 to 1823, to 2,817 in 1832 to 1835. On looking to some later returns which I have procured, from 1841 to 1851, I find that in the year ending November, 1843, the number of petitions were 2,715, nearly the number stated for 1833; but in 1849 they were 3,984, and, in 1850 they were 3,724, showing an enormous increase—an increase, however, I do not believe more than commensurate with the increase of other business before that Court. Upon looking at another return—I do not desire to go into the details—but, looking at the total amount of the matters brought into the Court of Chancery under the various heads familiar to all who belong to the learned profession, I find that in 1842 the total number of these matters was 7,325; in 1843, 6,873; in 1844, 7,639; the average being 7,279. In 1848, the number was 8,332; in 1849, 8,697; in 1850, 8,356; being an average of 8,456. There was thus an increase in those few years from 7,279, the average in 1844, to 8,456, the average in 1850, showing in another way that there has been a great increase in the business of the Court of Chancery. Sir, upon looking through the returns in detail, I find (as I could easily show, but that it would delay the House unnecessarily) that in the year 1848 the Court of Chancery seems to have been fully adequate to its functions, though the Lord Chancellor, the Master of the Rolls, and the three Vice-Chancellors appear to have been fully employed; and at the same time I find that the number of causes left for hearing at the end of the term were not more than would probably be disposed of in the next term, and not more than had been so disposed of in several successive years. But in looking through the returns for the years 1849 and 1850, we may observe how essential it is that the Court of Chancery not only should have an adequate number of Judges, but that the Judges should be in a state of health and strength adequate to the performance of all their functions. For I find that in Easter term, 1849, until Trinity term, 1850, Lord Cottenham, being unable to attend in the Court of Chancery from illness, immediately a considerable arrear arose, and the number of causes waiting to be heard was very considerably increased. However I will now refer to the quantity of business there was before the different Courts of Chancery on the first day of Michaelmas term, 1850, and the first day of Hilary term, 1851. At that time there were only two Vice-Chancellors, the operation of the Act which was passed for the appointment of two additional Vice-Chancellors having provided that upon the resignation of the junior Vice-Chancellor no other person should be appointed. I find that on the first day of Michaelmas term the total number of appeals, motions, petitions, demurrers, pleas, exceptions, and causes before the Lord Chancellor, was 80; before the Master of the Rolls, 90; before Vice-Chancellor Knight Bruce, 392; before Vice-Chancellor Lord Cranworth, 173: total, 735. At the commencement of Hilary term, 1851, there were before the Lord Chancellor, 106; the Master of the Rolls, 135; Vice-Chancellor Knight Bruce, 532; Lord Cranworth, 242: total, 1,016. This accumulation of business has been partly owing, no doubt, to certain Acts of Parliament lately passed, especially that as to the winding-up of railway companies; and this is a temporary accumulation which, when the judicial strength is increased by the appointment of another Vice-Chancellor, according to a Bill now before the House, which meets with general approbation, will be greatly diminished. It is not, therefore, to that subject I wish to call the attention of the House; but I thought it desirable that the House should see what has been generally the progress of judicial business in the Court of Chancery, that they may judge a little of the very great importance of any change made in that court. Sir, the progress of society and the complicated state of property in this country have led more and more to bring within the control of that court a great amount of property, and many most intricate causes, so that it is of the utmost importance to the whole nation that there should be justice administered in that important court. I now come, Sir, to notice the nature of the office of Lord Chancellor, who is at the head of this great court, and has other most important duties to perform. The Lord Chancellor is, in the first place, at the head of the Court of Chancery; and although it now seldoms happens that he hears original Motions, yet the daily business of the Court of Chancery is under his superintendence, and the appeals and hearings from the other Judges are brought before him for rehearing. He likewise is the Judge who presides in the House of Lords when that House sits as the great Court of

Appeal. He has also various administrative functions belonging to him, which are specially attached to the Great Seal. He is a Member of the Cabinet likewise, and as such is consulted on all political questions that come before the Government, but more especially those which have relation either to the constitution, to the amendment of the law, or to the enforcement of the law when there arises any question upon its enforcement. He has other functions. He is, for instance, the adviser of the Royal Family in cases of doubt and difficulty involving their interests. His position is very high in consequence of all these functions. Now, Sir, I think it is right to state both the advantages and the disadvantages which appear to arise from this union of functions in the Lord Chancellor. In the first place, I think it is a great advantage that the Government of the country should have the aid and the authority, in matters of law and general policy, of a person who has risen by his talents at the bar to a place of the greatest eminence, and whose opinion upon matters of law must be of great weight—and who adding to that the authority attached to his high office, must be of the greatest advantage to the Executive Government of the country. It appears to me, if possible, of still greater importance that the person holding the office of Lord Chancellor should preside in the House of Lords, and that he should there be the ultimate Judge of Appeals, so that thereby the House of Lords should have this security—that being the great Court of Appeal in this country, they have to preside over their decisions a man as to whose great capacity and authority there cannot be any doubt. There is a further advantage in this constitution of the office of Lord Chancellor. It is an office which has been always reckoned the great prize of the profession; and thereby, while the Chancellor sits at the head of the House of Lords to declare, in the name of that House, their judgments to the country—it is something to say, that it is an eminence which is to be reached by talent from the humblest station, by men who, having devoted their labours in the early part of their lives to the study of the profession of the law, have stood to such advantage amongst their competitors, that it may truly be said of them, that, by their talents and their abilities, they have earned their eminent position. It is one of the many institutions of this country, by which that which is the most aristocratic body in this country is connected with those who, having no original advantage of birth, and no original advantages of fortune, have attained by their merits to the eminence they enjoy. Now, I will state shortly what I consider some of the disadvantages attending this union of offices. The chief disadvantage, I think, is, that these functions are so weighty; that the attendance in the Court of Chancery to give judgment on matters of the highest importance is of itself so great a labour to the mind and body of that functionary, with the task of presiding in the House of Lords, and the attention that must necessarily be paid to great questions of State which come before the Cabinet—these functions are so many and so weighty, that it seems scarcely possible that any one man should be found adequate to perform the whole. Another disadvantage is, that, according to the constitution, while the Executive Government of the day have the advantage of the advice and assistance of the Lord Chancellor, he must be one whose general political opinions agree with theirs; and, therefore, when a change of Government happens, the country loses the benefit of his accumulated experience, and the weight of his decision in the Court of Chancery. These considerations, Sir, placed before the country, and weighed by men of various minds and dispositions, have, from time to time, produced plans by which it appeared to them, that the great advantages I have mentioned might be secured in another way, and that the disadvantages might be obviated by some different arrangement of our machinery in the Court of Chancery, in the House of Lords, or in the administration of justice. The first plan which I shall mention which has been proposed for this purpose comes forward propounded with all the ability and clearness of statement which peculiarly belongs to its framer, Lord Langdale. He proposes that there shall be a permanent Judge in the Court of Chancery, not changing with the Administration of the day. He likewise proposes that there shall be a Lord President sitting in the House of Lords, who shall likewise be a permanent Judge. And he proposes, further, that there shall be an officer called the Keeper of the Great Seal, or Minister of Justice, who shall belong to the Administration of the day, and whose whole care and attention shall be directed to the correcting and advising on such changes of law as the Government or individual Members may from time to time propose. Now, Sir, it appears to me that, however plausible such a proposition may be, and however it may agree with our views of theoretical separation between the political and judicial function, I cannot think that, in practice, such a plan would be likely to be beneficial. First, I cannot think that this separation of the political and judicial functions is, in itself, a well-founded or an important objection. It is well founded (though there are precedents to the contrary), and that, notwithstanding those precedents of Lord Mansfield and Lord Ellenborough, as to Judges who preside in criminal jurisprudence; but with regard to the Judge who presides over courts which relate to the disposition of property, I cannot well conceive cases likely to arise in practice to sway the opinion of the Judges. In the course of the debates on this subject, in 1836, it was observed on this point, I think, by Lord Abinger, that, among the decisions looked to with respect, were those of a Judge whose freedom on political subjects no one will doubt—Judge Jeffries. Lord Abinger stated, that, notwithstanding his reputation as a politician, his decisions as to matters of property have always been regarded with respect by the profession. Without, however, referring to such extreme cases as Lord Chancellor Jeffries, from the time of the Revolution there have been many eminent men in the highest seats, and in great authority, deciding cases of property, many of them very warm politicians—and none of them more decided a politician than Lord Hardwicke—yet, notwithstanding their political feelings, I cannot find one of whom it is said that he decided cases in the Court of Chancery with reference to the politics of the parties interested. Therefore, if there is really no reason why a political Chancellor should not decide questions of property, and if, in fact, we have found that, from the Revolution there has been no practical evil in the union of the offices, I think it is a proposition which, however plausible, we had better disregard. I then come, Sir, to the practical inconvenience of the plans thus proposed. The Lord Chancellor would be appointed to a permanent office, and no doubt would discharge his duties with ability and impartiality, and, as the presiding Judge in the House of Lords, would probably have great weight in the body. But when we come to that which I have stated as so useful and so advantageous, namely, that there should be a person of great authority assisting the deliberations of the Government, and taking part in those deliberations in the House of Lords which concern amendments of the law, or any constitutional question, I think the plan would fail. First, in order to obtain a person of first-rate eminence at the bar to take a station so precarious as that of becoming the mere political adviser of the Administration of the day, we should be obliged to give a very high salary and high retiring allowance; and I cannot but perceive, that there would be very soon (even if the House of Commons were disposed, in the first instance, to grant that salary) complaints on that score; and it would be said, "Why should a person whose functions are after all merely political, and who is nothing more than the political adviser of the Government, have a much greater salary and retiring allowance than are allotted to any other political Member of the Administration?" and I do not think that such a large salary and allowance could be maintained. Then, if that were so, you would soon find that the offices of Lord Chancellor, of Lord President of the House of Lords, and of the three great Judges presiding in the Common Law Courts, would be more sought after than this precarious station of Lord Keeper or Minister of Justice; and you would, in fact, be liable to have a man inferior to those who were sitting in these high judicial stations appointed to this office; and when he was the adviser of the Government we should be liable to have the decisions of the Government, taken by his advice, overthrown by the superior weight and authority of those men, more eminent at the bar. If, then, that be so, I do not see why this large provision should be made, nor why the Home Secretary, sitting in this House, should not be competent to perform all the duties which it is supposed could be performed by the so-called Minister of Justice. As to one duty which it is supposed would be performed by the Minister of Justice, from my experience I should say that no such officer is required to perform the duty—I mean the duty of superintending Bills, seeing that their language was consistent, &c., and that no error has crept into our legislation. I should say that, as the legislation of the country must be settled by both Houses of Parliament, one of which is a numerous body, and the other is not only numerous but sent here by popular election—those Bills which are passed must not only be of such a nature as to satisfy the acute minds of the legal profession, but convey the sense and meaning of the two Houses of Parliament. And with respect to the "advantage" which it is said would be derived from the language in which Acts were passed, I think that great lawyers who have even most intelligent views as to the amendment of the law, when they come to carry their views into effect, do not carry them into effect much better or so well as those who have devoted their whole time to the framing of laws, and who have been practically engaged in the work of preparing Bills afterwards passed. In short, I believe that the Minister of Justice would probably, instead of drawing the Bills himself, trust to such men as the gentleman who assisted me in the Reform Bill (Mr. Gregson), or the gentleman who so ably assists my right hon. Friend (Mr. Coulson)—such men as have paid constant attention to the drawing of Bills. I should be afraid, therefore, that if this plan were adopted you would be parting with that which has been a great advantage to the country, and which you have had ever since the Revolution—the having acting in your Executive Government, and at the same time presiding in the House of Lords, a man of most eminent legal authority, taken from those who have had greatest success at the bar. I think that the Executive Government would sink in weight, and that your judicial system would likewise decline, and that you would obtain no equivalent advantage. I cannot, therefore, recommend to the House to adopt that plan (however ably recommended) of a division of the Chancellorship into three offices.

There is another plan which has been much considered, and which does not go to the length of that which I have stated, but is at the same time a considerable alteration. I mean the plan of having a permanent Judge in the Court of Chancery, and separating the Lord Chancellor altogether from any duties in the Court of Chancery, but preserving him in the office, and, with the title of Lord Chancellor, making him Appellate Judge in the House of Lords. I think that plan has great advantages over the one I have just mentioned. It preserves to the Executive Government a person of great authority and weight in legal matters. At the same time, I must say, that on consulting the debate which took place upon the subject, and referring to the statements of Lord Lyndhurst and the authorities he quotes, Sir S. Romilly, Lord Redesdale, and others, I think that there is a very general and nearly unanimous opinion in the profession, that the Judge who sits merely in a Court of Appeal would not have that weight and authority, and would not be so capable of acting as a Judge as one who sat in constant practice in the Courts with large ordinary jurisdiction. I find this opinion stated over and over again in the debates of 1836; and I find Sir S. Romilly quoted thus:—

> "If of the three Judges who are to preside in equity two have the law kept constantly in their mind by regular attendance in Court, and the third only refreshes his memory by looking back into text-books and precedents, just so as to enable him to decide a dozen or two of causes in the year which might be brought before him upon appeal—it is obvious that this effect must be produced—that the appeal will be from a Judge having a perfect mastery of the law, to one who has but an imperfect recollection of it."

I find, Sir, that the House decided by 94 to 29 against the Bill; showing that the House of Lords were entirely adverse to the adoption of that plan.

There have been other schemes deserving of attention, as that of Sir Edward Sugden, whose plan was an immediate Court of Appeal, to consist of the several Judges, as the Vice-Chancellors. One objection to that plan appears fatal to it—that by depriving the several Courts of Chancery of their heads to form this Court of Appeal, the action of those courts would be paralysed—much of the time they should give to causes in their own courts would be consumed in the Court of Appeal, and their strength greatly diminished. At the same time, there is a statement of Sir E. Sugden, which was made before a Committee of the other House on Official Salaries, and which is well worthy of attention, because giving his own experience. He was then presiding in the Court of Chancery in Ireland—and no man ever sat there with a greater reputation or with greater reason (from learning, ability, and practice) to repose confidence in his own conclusions and decisions; he was asked—

> "But still the Lord Chancellor of Ireland has not so laborious an office as the Lord Chancellor of England?—The answer was—'Certainly not; but the Chancellorship of Ireland is quite sufficient to occupy any man's energies and time. The public is not aware of the pressure which

there is upon a single judge sitting alone in court. If a man forms one of four, the division of responsibility, and the assistance mutually given, and the satisfaction which a man feels in finding that his opinion is agreed in by others, leave him without any doubt or pressure upon his mind. But I consider that the office of a single judge is one of the most painful that it is possible for any man to fill, however competent he may feel himself. He has to decide upon matters of immense weight in point of law, and of great importance in point of property, with no assistance, nobody that he can turn to, not a person in the world to whom he can speak upon the subject. He has to decide all upon his own responsibility. I consider, therefore, that the wear and tear upon the mind of a man, however great a lawyer he may be, who is conscientiously doing his duty, is very great indeed in the office of a single judge.' "

Sir E. Sugden subsequently partly qualified this opinion, but only partly, observing that in relation to the inferior Judges, as the Vice-Chancellors, they had at least the satisfaction of feeling, that if they should be wrong, their error could be corrected on appeal, which is not the case with a Judge whose decision is final. Now, Sir, I have heard from other quarters that there is an opinion, which has gained great strength of late, that it is desirable that the decisions in the Court of Chancery should not be the decision of a single Judge, but the decision of more than one Judge, and that this additional Judge should come for the hearing into the Chancellor's Court. And I think this view is strengthened to the House, if they agree with me, that it is desirable not to make an alteration of that practice by which an eminent man at the bar or the bench is taken at once into the Court of Chancery, there to preside. It would be a great loss to the Government and the public, if you were to lay down a rule that no man who has not practised in the Court of Chancery should attain the office of Lord Chancellor, and that thus eminent men, who at the Common Law bar have risen to the highest reputation, should be excluded from the attainment of the highest eminence of all. Now, the Bill I have to propose goes first upon the foundation that it is desirable to have more than one Judge sitting in the Lord Chancellor's Court; and further, upon this further foundation, that while the union of functions I have referred to remains, and the consequent necessity for the Chancellor's attending to political subjects, and the wear and tear of body and mind being such as Sir Edward Sugden describes, it is desirable that the Chancellor should have a greater portion of time than he now possesses, which he may afford to the consideration of these matters. It has been my fortune to be connected with Lord Cottenham in the administration of affairs, and I believe no man ever gave greater satisfaction by the attention he paid to the business of the Court over which he presided, and the clear judgment he brought to bear upon it —an attention shown not only in Court, but at his own house, where I have often found him late at night occupied in study, and where he has been engaged until two or three o'clock in the morning, considering authorities or precedents. But the great attention which he thus bestowed on the judicial questions rendered him less able to give the time others would desire to political and administrative questions. I think, therefore, that it would be desirable that the Lord Chancellor should be enabled to have some relief from attendance in the Court of Chancery, and that it should not be necessary for him to enter into questions of minute detail—the language and phraseology of Bills—but that he should be able to give sufficient time and attention to the consideration of all measures which may affect the administration of the law, or which may tend to alter, in any respect, the institutions of the country. Now, what I shall venture to propose, is, that there should be established a court, which should be called the Supreme Court of Chancery, or the Lord Chancellor's Court, whichever name may be determined upon, and in that Court should sit the Lord Chancellor, the Master of the Rolls, and one of the Judges of the Courts of Common Law, to be summoned from time to time as occasion may require. I am informed—at least in the present state of business before the Common Law Courts—it is the opinion of the present Lord Chancellor that it will not be difficult to obtain the assistance of one of the Common Law Judges for the performance of these duties. I propose, therefore, that there should be three Judges in this Supreme Court—the Lord Chancellor, the Master of the Rolls, and one of the Judges of the Common Law Courts—and that any two of them should have the power of hearing in the Court of Chancery all causes heard therein, and, in the absence of the Lord Chancellor, that the two remaining Judges should be possessed of all the powers and authorities exercised by him. It is part of the measure which I propose, that appeals in bankruptcy, now exclusively adjudicated upon by the Lord Chancellor, should be referred to this Supreme Court, and that the Lord Chancellor alone shall not exercise those powers with which he is entrusted, but that he shall always exercise them only as a member of the Supreme Court. By these provisions the Lord Chancellor would be enabled, and indeed required to attend to the business of the Court of Chancery. All the minute details would be heard by his associates, and he would not be so entirely absorbed by his duties as to prevent him giving that attention which his other high and important duties demanded. In the same way, matters of lunacy should be heard and decided upon by this Supreme Court. An arrangement should be made with the Judges, by which one of their number could give his attendance in the mode required. With regard to the salaries in future to be paid, it will be recollected by the House that the Committee on Salaries proposed last year that if there were any division in the office of Lord Chancellor, the salary should be reduced to 8,000*l.* a year. The Government have taken this suggestion into their consideration, and it is our opinion that that is a greater reduction than ought to be made in so high an office. We think also that the pension to be paid to the Lord Chancellor on retirement from office ought not to be diminished. It is desirable, when the situation depends on the chances and changes of political affairs, that such a retiring allowance should be made as would induce men already in the enjoyment of high position to accept an office of so much importance to the country. We, therefore, propose that the salary of the Lord Chancellor shall be 10,000*l.* per annum, and that the retiring allowance be the same as it at present is, namely, 5,000*l.* a year. There is another detail in connexion with the office of Lord Chancellor, which I have some difficulty in mentioning, because, as First Lord of the Treasury, I may appear to have some personal interest in it. It is well known that there is at present a great deal of ecclesiastical patronage vested in the Lord Chancellor. It was originally vested in him, because the persons who acted in the Chancery offices were clerks in orders, and giving them benefices was a mode of rewarding their exertions. The arrangement belongs evidently to the time when the Lord Chancellor was himself an ecclesiastic. The patronage to which I refer is disposed of not by reference to the Crown, not by taking the Sovereign's pleasure, but is disposed of by the Lord Chancellor at his own uncontrolled discretion. On the other hand, it has been proposed by the Commission appointed last year, that the whole of these benefices should be sold, and the proceeds appropriated to the purpose of increasing the means of spiritual instruction. The Government, in taking that proposal into their consideration, were adverse to it. In the first place, it is not desirable to part with a great public trust, by selling the property attached to it to whoever should offer the highest price for it; and, in the second place, I do not think that such a separation of a great part of the Church from the State is desirable. What I propose, therefore, is, that this patronage be in future vested in the Crown, and that the Minister of the Crown take the pleasure of the Sovereign with regard to the dispensing of it, in the same way as the ecclesiastical patronage vested in the Crown is now disposed of.

I have stated now the general principles of the Bill which I have the honour to propose. But I should mislead the House if I gave it to be supposed that I was now carrying into effect all the proposals which the Government and the Lord Chancellor will have to make for the improvement of the administration of justice. In Her Majesty's Speech from the Throne at the commencement of the present Session, it it was said—

> "The administration of Justice in the several Departments of Law and Equity will, no doubt receive the serious Attention of Parliament; and I feel confident that the measures which may be submitted with a view of improving that Administration, will be discussed with that mature Deliberation which important Changes in the highest Courts of Judicature in the Kingdom imperatively demand."

Now, Sir, one of the changes which can and has been made, as any one will have seen who has consulted the public newspapers of the day, is, the reduction and abolition of many of the fees which are now paid in proceedings in the Court of Chancery. I am persuaded that nothing can be more desirable than that suitors should be enabled to obtain justice without a very great expense, which must deter men from the pursuit of their just claims. I have heard it said by some, that it was desirable that the avenues to justice should not be too open, for if justice were made too cheap, litigation would be sure to increase. If it is desirable to discourage litigation, this is not the way to effect that object. If a person comes with a frivolous complaint, or frivolous accusation, let him pay the penalty of that proceeding by the cost which will be imposed upon him. But to say that a man shall pay a particular amount of money before he can obtain justice in a fair complaint, that I hold to be inconsistent with the principle of justice, and the principle which in this country regulates the administration of justice. And when you say that by such a course you would discourage litigation, I think even in that point of view the greatest error would be committed. It evidently would be so, if you take the position of the person on whom the penalty might have to be inflicted. A man of 20,000*l.* a year, to indulge his spite on some person, his enemy, would have no hesitation in spending 1,000*l.* in litigation; but take another man, who has really a wrong done him, and he may be unable to spend 100*l.* to obtain justice. Thus while the rich man would be at liberty to satisfy his vindictive spirit of litigation, the poor man would be debarred from obtaining what was his right. The making of justice cheap, therefore, as far as it can be done, I hold to be one of the clearest duties of the State; and I think that we cannot in this respect err in reducing and abolishing as many fees now payable in legal proceedings as may be possible. There are other measures in contemplation for the purpose of effecting which there have been two Commissions appointed—one to inquire into the proceedings of the Common Law Courts, and another into all the proceedings in the Court of Chancery. I am persuaded, without mentioning any particular measure, that the result of these Commissions will be very much to prevent delays, those constant transfers of causes from one Court to another, and those tedious proceedings which have hitherto embarrassed the Courts of Justice. I believe that the Commissioners are devoting their attention to get rid, as far as possible, of those technicalities and forms which do not touch the real substance or merits of the case. I believe that if we proceed in this course, very much good will be done, and I am sure that there is no subject which more deserves the attention of Parliament. This I can assure the House, that however difficult the question may be, the Government will continue to pay the most earnest attention to it, convinced not only that it is their duty to pay this attention, but if there is any right which the people of this country are entitled to, it is, that they should have justice not only impartially and fairly administered, as I believe it is, but administered at as little cost to the suitor as the case will allow. With these opinions upon the subject, and asking pardon for having detained them so long, I move, Sir, for leave to bring in this Bill.

Motion made, and Question proposed—

"That leave be given to bring in a Bill for the Administration of Justice in the Court of Chancery."

MR. J. STUART said, that at that late hour, and on a subject of so much importance as that introduced by the noble Lord, and with a Bill which proposed materially to alter, and was intended to improve, the administration of justice in the Court of Chancery, it would be unpardonable in him to trespass on the time of the House, particularly on a measure so perfectly new, with many observations. He merely rose to say that the noble Lord, in that part of his speech which related to the office of Lord Chancellor and the administration of justice in the Court of Chancery, and the various measures which heretofore had been proposed with the view of improving the administration of justice in that court, had expressed himself with sentiments so just, with a view so clear and so accurate of the duties of that great office, that although he (Mr. Stuart) highly disapproved of the latter part of the speech, and, so far as he could judge at the moment, of the measure proposed, he could not withhold his admiration of the opinions enunciated by the noble Lord on the general subject. He regretted deeply that so humble an individual as himself—one who had no other claim to the notice of the House than that of being the senior member of the Chancery bar present—should be the first person to rise to make an observation on the noble Lord's speech. He regretted that no statesman on that bench, and with whom he usually acted, was present to state his views on this question—a question important to laymen ten thousand times more than it was to the legal profession. The views of the members of the bar were, in his opinion, of considerable importance; but the importance of their duties depended entirely, and beyond all power of estimate, on the authority and qualifications of the Judge before whom they appeared on behalf of others to solicit justice. He did not presume to form this opinion from anything said by the noble Lord (Lord J. Russell), who expressed just views on that part of the measure to which he (Mr. Stuart) was alluding. Concurring in the views of the noble Lord with respect to the first part of his speech, he now proceeded to notice a few points on which he differed from the noble Lord. To him the proposal was entirely new; and the noble Lord could not have taken the step of proposing such a Bill without, of course, consulting the law officers of the Crown. It was in the hope of eliciting the views of these learned Gentlemen, that he (Mr. Stuart) ventured to throw out one or two considerations regarding the measure. The noble Lord (Lord J. Russell) being of opinion that the office of Lord Chancellor as a judicial and political office should be preserved, proposed by the intended measure to give to the Lord Chancellor, sitting in the Court of Chancery, some further judicial assistance sitting in the Supreme Court—not in the court of ultimate appeal—for although the Lord Chancellor sat as a Judge of Appeal in the Chancery Court, yet from him there was an appeal to the House of Lords. The proposal was to give to the Lord High Chancellor sitting in the Court of Chancery the assistance of two Judges, not two Judges whom he might solicit to assist him on occasions of importance, but, as he (Mr. Stuart) understood, the Lord Chancellor was to have permanently and constantly associated with him the Master of the Rolls and a Common Law Judge, with one or the other of whom he must be associated, and both of whom, in the absence of the Lord Chancellor, might discharge the duties of that high office. This was a very novel proposal; for at present, as the Court of Chancery was constituted, the Lord Chancellor was in the habit, when cases requiring it occurred, of calling other Judges to his assistance. The Lord Chancellor had at present the power of calling to his assistance the Master of the Rolls, and of requesting the co-operation of a Common Law Judge, when matters of intricacy or importance required it. The principle of the noble Lord was, that the Lord Chancellor never could be considered competent to transact the business of his court without the assistance of these assessors. Consider the effect of this. The noble Lord had said, and most truly, that the judicial strength of the Court of Chancery was inadequate for the performance of the business of the Court; that was, they had at present, or ought to have, the Master of the Rolls sitting in his own Court, two Vice-Chancellors sitting in their Courts. and the Lord Chancellor in the Supreme Court, and all these were not sufficient to get through the business. The first effect of this measure would be to shut the court of the Master of the Rolls upon every day the Lord Chancellor sat. This was a serious objection. A Bill had been before the House for a very surprising length of time for the appointment of a Vice-Chancellor to supply the place of Vice-Chancellor Wigram. But even were that Judge appointed, he (Mr. Stuart) could not see that the Master of the Rolls had any time to spare from the business of his own Court. He knew that he had none. The learned Judge who had just retired from the office of the Master of the Rolls had been in the habit of sitting as a Privy Councillor, and abstracting that time from the Rolls Court which ought to have been entirely devoted to it. What had been the consequence? Why, there had been not only a great arrear of business in that court, but suitors had become so dissatisfied that they did not resort to the Rolls Court, and even with the diminished business the arrears had been very large. He complained that the Master of the Rolls, with all the emoluments of that great office paid for discharging the duties of the office, and the office having its own peculiar duties and responsibilities, should be withdrawn from his own court, and called upon to give assistance to the Lord Chancellor, while suitors were clamouring for justice at the doors of his own court. There was another proceeding of the Government to which he took great exception—it was this. Last summer, when Vice-Chancellor Wigram, who was a Judge of exemplary diligence, had been disabled by bad health from attending his duties, suitors had been unable to obtain orders in his court, and a large arrear of business was the consequence—the Government actually took the Master of the Rolls, and the Vice-Chancellor of England, while he had health to do it, as Commissioners, to sit with another learned Judge in the Court of Chancery, to administer the duties of the Lord Chancellor. By this proceeding the suitors had been placed in a situation alike grievous to them, and disgraceful to the Government, for the effect of it was that the doors of two of the inferior courts were shut to the suitors. It might be said that there existed peculiar reasons for such a course; but he should like to hear any reasons which would be of a satisfactory character, and sufficient to satisfy the public. All this had been done at a season of the year when the pressure of business was greatest, and when withdrawing the Vice-Chancellor of England, who did the greatest amount of the business of court, was a grievous injury to the suitors. He could not name that excellent and most useful Judge, the late Vice-Chancellor of England, without expressing his sense of the gratitude due to his memory, for his eminent public services during the twenty-four years which he had filled that high office, discharging an unexampled amount of business to the great benefit of the suitors. The effect of the conduct of Government in appointing last summer a Commission constituted of the inferior Judges in Chancery to transact the duties of the Lord Chancellor, had been not only injurious to the public, but had placed the Bar and he (Mr. Stuart) himself in a most disagreeable position. He had been beset with complaints of his clients; he had represented the state of matters to the Government as one not creditable to them, and highly injurious to the public; but he at last obtained the redress which was so urgently required. He noticed this because a noble and learned Lord had published a pamphlet on the subject, in which he (Mr. Stuart) and other Members of the Chancery bar who had pressed the Government to put an end to the Commission, had been charged with mercenary motives—with being actuated with a desire to serve their own purposes. That state of things of which they had complained has been put an end to. A Lord Chancellor has been appointed, and the noble Lord (Lord John Russell) has made up his mind on the importance of not separating the political from the judicial functions of the Lord Chancellor. He agreed with the noble Lord upon the wisdom of not separating those functions. But with regard to an argument used in favour of such a separation, he thought it whimsical at this time of day that it should be conceived possible that any man holding the high office of Lord Chancellor, in the face of the public and the bar of England, could dare to pronounce a judgment affecting property which should be biased from any political opinions. As to the duties being too much to be performed by any one man, because they were political as well as judicial, recent experience proved that there was no pretence for this suggestion when a competent person held the office. From 1836 to 1841, the office was held by one who performed all the duties of Lord Chancellor, without any complaint of an excess of those duties. That noble and learned Lord (Lord Cottenham) never invoked the assistance now promised to his successor; and he knew, had he required it, that he could have commanded it without the assistance of Parliament. He (Mr. Stuart) knew that Lord Cottenham used to sit up until two or three in the morning; and the noble Lord (Lord John Russell) had urged that bestowing so much time on legal investigation was hardly consistent with the duties which the Lord Chancellor was expected to perform in attending Cabinet Councils. He (Mr. Stuart) knew not what symptoms of fatigue Lord Cottenham might have exhibited at the Cabinet, but no man showed less fatigue, even at the rising of his Court, than did Lord Cottenham during the period he had mentioned, and while he was in the vigour of health. But the noble Lord's scheme suggested to-night seemed rather a scheme to increase the anxiety and labour of the Lord Chancellor. He (Mr. Stuart) could not understand how the duty of a Judge in pronouncing his opinion on difficult cases could be a divided labour. The great excellency of the judgments of the Court of Chancery was their being pronounced by a single Judge. They had had experience of the other course of proceeding. They had had the experience of two Commissions—the one of last summer, and the other in 1835, the year preceding that in which the noble Lord at the head of the Government had had the sagacity and firmness to appoint Lord Cottenham. Lord Cottenham, while only a Commissioner, had been assisted by the Vice-Chancellor of England and the Master of the Rolls. Which were the better judgments of Lord Cottenham—when he was fettered by two assessors, or when he sat as Lord Chancellor alone? He (Mr. Stuart) knew that there was no measure of comparison between the two. All the important judgments, when he sat alone, when he studied alone, and alone pronounced those judgments, were admirable models of judicial eloquence and sound law. Why a constant assessorship, when the Lord Chancellor had it in his power to obtain assistance whenever he required it? Lord Eldon was in the habit sometimes of sending for this kind of assistance. Lord Eldon once directed a case for the opinion of the Court of Queen's Bench; he obtained the opinion; he was dissatisfied, and directed another case for the opinion of the Court of Common Pleas; he obtained that, and was dissatisfied with that also. He invoked the assistance of two assessors, and asked the Chief of each of these Common Law Courts to sit with him and reconsider the whole matter. They stated the reasons for the opinions they had formed; and then Lord Eldon delivered a memorable judgment, satisfying both the assessors that they were mistaken, and stultifying their previous opinions. This showed that it was a mere incumbrance to saddle the Lord Chancellor constantly with two assessors. But the noble Lord went further, and proposed that the judicial business should be transacted without any Lord Chancellor at all. Could anything be more inconsistent than the provisions of this Bill? If the office was so important, how absurd to make an arrangement of that kind! He (Mr. Stuart) did not say the objections could not be answered, but the Bill came before the House as a new measure; it deserved the greatest consideration, and such consideration he hoped the House would have the opportunity of devoting to it. As to the ecclesiastical patronage now vested in the Lord Chancellor being transferred to the Prime Minister as now proposed by the noble Lord, it was highly objectionable. Candidates for Church preferment would, if the Bill passed, have to resort to the Government Secretary; it was to be made a Government matter. For his own part, valuing as he did the character of the Church of England, he would rather see the Lord Chancellor, who was deemed to be the keeper of the Royal conscience, exercise the choice and responsibility of Church patronage, than it should be placed at the disposal of the First Minister of the Crown, to be disposed of, he would not say on base considerations, but he thought they might fairly infer on conditions which ought to be far removed from those which should influence the gift of livings and benefices in the Church of England.

MR. ROUNDELL PALMER said, if he wished to treat the measure in a spirit of opposition to the Government, he should rather choose to address the House on the second reading, especially at that late hour of the night; but feeling, as he did, most deeply the importance and difficulty, and wishing, if possible, rather to assist any Government in dealing with such a question, than to offer any obstructions in the attempt to overcome those difficulties, he was quite sure the House would give him credit for a sincere desire to consider the measure which the noble Lord had introduced with a view to make it as perfect as possible. He did not think it was a measure which would give satisfaction either to the profession, to the suitors, or to the public. The object of the Bill was to obtain a better administration of justice in the Court of Chancery. What was proposed? To relieve the Lord Chancellor from the necessity of paying close attention to the details of the judicial business, it gives him the assistance of the Master of the Rolls, and a Judge withdrawn from one of the Common Law Courts. Observe how it would operate, if the alteration were effected. If the Lord Chancellor was relieved from giving close and constant attention to the judicial business, and the highest business of the Court of Chancery, the inevitable consequence must follow, that the Master of the Rolls being the only Equity Judge, must virtually take the place of the Lord Chancellor; in that respect, what became of the Rolls? It seemed little less than the abolition of the Rolls, because he could not conceive that the Master of the Rolls could be continually giving his attention to the business of appeals, which ought to be transacted every day—he could not understand how the Master of the Rolls could be giving daily attention to the Lord Chancellor's Court, without a total suppression of the Rolls Court as a court of co-ordinate jurisdiction. And even if it were considered that the suppression of the Rolls Court would not be the consequence, it was obvious that constant interference with the business of the Court must take place. The noble Lord had stated that Sir Edward Sugden had suggested that one or more of the Judges of the Courts of Chancery should assist the Lord Chancellor in hearing appeals. To that the same objection applied—that it was drawing those Judges from their own courts, and preventing the business in those Courts being transacted. No doubt it would be better to withdraw one Judge than two; but it was quite clear the objection was the same, whatever the extent in which they interfered, to any diminution of the judicial force of the Court of Chancery, at a time and under circumstances when it was necessary to increase it. His hon. and learned Friend (Mr. Stuart) had referred to the attendance of the Master of the Rolls in the Judicial Committee of the Privy Council. He hoped no one would understand that his hon. and learned Friend had intended the slightest reflection on the Master of the Rolls. He (Mr. Palmer) was sure such was not his meaning, and he was quite sure at all times, and especially now, his hon. and learned Friend would regret if anything should be said which could produce anything of a painful feeling. All the profession agreed that there never was a more conscientious or more laborious Judge of the Court of Chancery than that noble Lord, and certainly his attendance in the Judicial Committee was given not only on request, but because it was considered that one of the Judges of the Court of Chancery should attend. If that were necessary then, he did not see why it was not necessary now. But the Master of the Rolls could not attend the Judical Committee and the Lord Chancellor's Court also. That assistance to the Judical Committee must be withdrawn, if they only gave an equivalent amount from the Rolls to the Chancery Court. But the sittings of the Lord Chancellor were much more constant; and, therefore, a far more equivalent in the amount of assistance was required in the Court of Chancery. He could confirm the hon. Member for Newark, that the unavoidable interference in the Rolls Court was very much felt, and that it was a matter of very serious consequence to disturb the regular administration of justice in any of the Courts. Not only did it make the Court comparatively inefficient, but there was one other effect which ought to be extremely guarded against. It held out opportunity for a bad species of litigation, in which persons whose interest was delay, hung over their neighbours unfounded and unjust demands, with a view of driving them into a compromise. The noble Lord had expressly stated that in the business of that Court there had been a continual tendency to increase, requiring an increase of judicial force. The effect of the loss of one Vice-Chancellor had been severely felt, and business had accumulated. He was quite sure that there would be full employment, not only for an additional Vice-Chancellor, but for the Master of the Rolls, as a Judge in the first instance. Lord Cottenham, before going out of office, issued certain orders, which enabled causes to be brought to the stage of "appearing" in a simple and short way, without the expense of the old system of pleading. The effect was, that a vast number of cases of that kind came in for hearing; they would now be ready to be heard and disposed of, and the more the administration of justice was facilitated and simplified, the more certain it was that the public would come into Court, and a fuller judicial force would be required to attend to the business of the Courts. It was with great humility that he begged to suggest a remedy, but he could not help thinking that the difficulty was where it ought not to be—not in the mind or disposition of the noble Lord, but in an apprehension that the country would not pay the necessary expense of duly administering justice. Because, if there had been no such fear, Government would have said, "If the Lord Chancellor wants assistance, let him have it. Take the best man you can get." There were five Judges in the Court of Queen's Bench, five in the Common Pleas, and five in the Exchequer, while in the Chancery Courts there were only five altogether. Why not get two more from the bench or from the Courts? He believed the country would find that it was more judicious economy to provide this assistance without interfering with the existing Courts. But if the country would not find the money, and if the money must be found, he thought that by consolidating the Court of Bankruptcy with the Chancery Court (of which it was originally a branch), and by revising the system of administration by Commissioners of Bankruptcy, and in the Masters' Offices, they might probably be able to throw all the Accountants' business of the Courts of Chancery and Bankruptcy together, and to withdraw from those Courts either Masters or Commissioners to the necessary extent to provide a fund, out of which might be paid one or two additional Judges of the Court of Chancery. Some system such as that would be desirable; but no good reason could (he thought) be given for seeking to save to the country the paltry sum of 10,000*l.*—paltry in respect of the advantages to be gained—at a time when the public most required an efficient and expeditious administration of justice in the Court of Chancery. As to the assistance to be derived from Judges of the Courts of Law, if their business was only transacted in London, it might be considered that there was too large a judicial force. But for the purposes of the circuits it was necessary to keep it up; and it would not be found to be the universal opinion that we had more Judges than were required. Then one of the best Judges would have to be withdrawn from the Courts of Common Law to sit in the Chancery Court. That Judge could not be brought to relieve the

Master of the Rolls, because it was necessary at all times that there should be in the Courts of Chancery a Judge thoroughly acquainted with Chancery practice. He did not disparage the value of Common Law in Chancery Courts; on the contrary, in the instances of late Chancellors, they had felt that the union of the knowledge of the two systems was of great importance; and although it was indispensable to have a sound knowledge of equity law, it was of the highest value that that should be in conjunction with and tempered by sound experience in Common Law. He did not submit these remarks in any spirit of hostility, but from a desire to aid the Government, as far as he could, in so important a duty as that of improving the administration of justice in Courts of Chancery.

MR. S. WORTLEY said, that the subject was of great importance. He subscribed to every sentiment which fell from the noble Lord, and could only express his regret that the Government should feel itself crippled by that which his hon. and learned Friend had very properly designated a false economy. He regretted that the Government should be influenced by a false feeling of economy, which was, in fact, the real great impediment to an efficient reform of the Court of Chancery—a feeling for which he believed the House itself was mainly responsible. He said it was a most glaring inconsistency that there should be no less than fifteen Judges to administer the Common Law of the land—a number not at all greater than was necessary—and that the whole business of the Court of Chancery—a business which was increasing, whilst that at Common Law was decreasing—should be administered only by five Judges. Whilst the Government adhered to this principle of false economy, it was idle to talk of effecting any useful reforms in the Court of Chancery. He fully concurred in the statement of his hon. and learned Friend (Mr. R. Palmer) that it would be most inexpedient to take away one Common Law Judge to assist the Lord Chancellor. If that were done, how could the business of the circuits be provided for? Persons of less dignity than a Judge, Sergeant, or Queen's Counsel, would have to sit, or during the whole time of the circuits the Lord Chancellor would be deprived of the assistance of the Judge whose aid it was now proposed he should receive; and he did not think that would be a satisfactory arrangement. There was one other point to which he wished to advert. No alteration was to be made in the appellate jurisdiction of the House of Lords. It had always been held to be an evil that there should be an appeal from the same Judge sitting in the Court of Chancery to the same Judge sitting in the House of Lords. The present measure would introduce a greater absurdity. A case would be heard and decided by the Lord Chancellor sitting with the Master of the Rolls and a Common Law Judge, and then there would be an appeal to the Lord Chancellor in the House of Lords, sitting alone. The appeal, therefore, would be from a stronger to a weaker court. With respect to appeals from Scotland, although he admitted that the eminent persons who filled the office of Lord Chancellor sometimes made themselves masters of Scotch law, yet under the present system they could not be certain that the Lord Chancellor would be present to hear Scotch appeals. It so happened last year that the decision of a great number of these appeals depended entirely upon the voluntary exertions of a noble and learned Lord (Lord Brougham), who was not bound by any compulsion to give his attendance in the House of Lords. The country had the benefit of the valuable services of that noble and learned Lord, who, from his early education, was well acquainted with Scotch law; but it might so happen that these Scotch appeals might be brought before a single Judge, who had no knowledge of the Scotch law. He agreed with his hon. and learned Friends in their anxiety to see passed some measure for the improvement of the Court of Chancery, and he had thrown out these observations with that view.

MR. HEADLAM said, he agreed with his hon. and learned Friends that this was not the proper occasion to express any decided opinion as to the merits of this Bill. He agreed with the noble Lord in the opinion which he had expressed, that it was not desirable that there should be a permanent Judge in the Court of Chancery as a Judge of Appeal, because the powers entrusted to such a Judge were too great to be placed in the hands of any individual, however eminent he might be. He thought that there ought to be more than one Judge sitting in that Court. He must say, however, that he could not approve of this scheme, because he thought it might have the effect of closing the Court of the Master of the Rolls as a court in the first instance. He must object to any delay in the ordinary proceeding of the business in Chancery. He knew one case in which the costs, occasioned by mere delays, amounted to 1,000*l.* in one year, not arising from any fees, but because a decision was required before the estate could be administered at all. He objected to the measure, because, he repeated, it would have the effect of closing the Court of the Master of the Rolls, and he did not think there would be sufficient force in the Courts of Chancery to enable the suits to be determined within a reasonable time.

LORD J. RUSSELL: I can only say that I am much obliged to the hon. and learned Gentlemen who have been so good as to take a part in this discussion. I am convinced that the objections which they have mentioned are intended in a friendly spirit, and I can only say that they shall be carefully considered. I omitted to state one point, namely, that there are officers under the Lord Chancellor with respect to whom a considerable reform may be effected by consolidating their duties, still preserving for the Lord Chancellor a sufficient number of officers to give him assistance in some of his most important duties. The Lord Chancellor will give every attention to this matter with regard to the appellate jurisdiction. I can only say that I made no proposition on that subject, because I think it is one which had better be left to the discretion of the House of Lords.

MR. S. WORTLEY said, he wished to ask whether one of the Common Law Judges would be permanently selected?

LORD J. RUSSELL: One will be summoned from time to time.

SIR H. WILLOUGHBY said, that the public wished to see the abolition of fees in the Court of Chancery, and the payment by salaries substituted.

The ATTORNEY GENERAL said, that one of the objects of the Bill was to carry into effect the recommendations of the Committee on Salaries in the Court of Chancery, and to effect consolidation, which would diminish expense. With reference to the main subject of the Bill, no doubt various opportunities would arise, during the discussion upon it, which would enable them to put it into such a state as to meet the wishes of both sides of the House.

Question put and agreed to;—Bill ordered to be brought in by Lord J. Russell, Sir G. Grey, Mr. Attorney General, and Mr. Solicitor General.

APPOINTMENT OF A VICE-CHANCELLOR BILL.

Order for the consideration of Report read.

SIR H. WILLOUGHBY said: The Motion I have to propose is that the retiring pension of the office to be created under this Bill shall be an annuity not exceeding 3,000*l.*, and not 3,500*l.* as proposed in the Bill. The Committee on Official Salaries last year did not report on this office, but state, p. 7, paragraph 4, "that it was understood it was an office that was not to renewed." Under the Bill the salary is 5,000*l.* per annum; the retiring pension is 3,500*l.* per annum. On some unintelligible principle of finance the salary is fixed on the suitors' fund, the pension on the Consolidated Fund. I contend that the retiring pension of 3,500*l.*, that is, 7-10ths of the salary, exceeds in proportion all other classes of pensions whatever. In no other department is there anything like it. Search the diplomatic, the civil, the military, and even the judicial services, and, with the exception of this one class, there is hardly a pension that exceeds 2,000*l.* per annum. The highest services—whether diplomatic, civil, or military — are repaid by pensions from 800*l.* to 2,000*l.* per annum. In the military service there is one great exception, but that is for services unparalleled, which, consequently, confirms the rule. Take the diplomatic service (2nd and 3rd Wm. c. 116)—first-class, 1,750*l.*; second-class, 1,300*l.*; third-class, 900*l.*; fourth-class, 700*l.* I am not aware that the most eminent services as a statesman would obtain a higher pension than 2,000*l.* per annum; and in all departments of the State, Excise, Customs, or such as are placed on the Consolidated Fund, it is rare to find any retiring pension beyond 2,000*l.* Now as to pensions for judicial services. It is true that ex-Lord Chancellors receive retiring pensions of 5,000*l.* per annum, or something about one-third of the salary. The Irish ex-Chancellors receive only 3,692*l.*, and in the time of Lord Eldon the retiring pension was 4,000*l.* per annum. But what is the history of the class of retiring pensions that include the Puisne Judges and the Vice-Chancellors. Up to 1813 the retiring pension of this class was 2,000*l.* per annum. In 1813 it was increased to 2,600*l.*, and in 1825, the salaries of the Puisne Judges having been raised to 5,500*l.*—a year commencing with alleged prosperity, but ending in a disastrous panic—the retiring pension was raised to 3,500*l.* But what was the proposition of the Government of that day? First, that the retiring pension should be only 2,300*l.*; then adding the

500*l.* taken off the salary, which was proposed to be 6,000*l.*, which made the retiring pension 2,800*l.*; but finally, after a faint and coy resistance to the legal opposition of that day, the Government gave way, and the retiring pension was fixed at 3,500*l.* Mr. Secretary Peel, however, had announced previously the principle on which such pensions should be enacted—viz., in a fixed proportion to the salary. Adopt that principle, and look either to the pensions of the highest officers of the law, or any other class of officers in the law, and a retiring pension of 3,500*l.*, or seven-tenths of the salary, cannot be maintained. But in 1832 the salaries of all Puisne Judges since 1828 were reduced from 5,500*l.* to 5,000*l.* per annum. Reduce the retiring pensions in the same proportion, or one-eleventh, you arrive nearly at the proposition for which I contend—viz., a retiring pension of 3,000*l.* per annum. The Amendment I wish to propose is so moderate and so just that I trust the hon. and learned Attorney General will have no difficulty in adopting it.

Amendment proposed in Clause C., line 3, to leave out the words "of the same," and insert the words "not exceeding in," instead thereof.

The ATTORNEY GENERAL dissented from the views of the hon. Baronet, for several reasons. In the first place, when settling the salary of a Judge, and his retiring pension, they should inquire what was the sum which would secure the efficient discharge of the duties of the office. No gentleman, he ventured to say, had accepted the office of Vice-Chancellor without a very great diminution of income, and in some cases to a larger amount than the House would think probable if he named it. He thought the amount of salary at present given to the Vice-Chancellors was no more than sufficient to secure high judicial ability. Indeed it was said, and he believed truly, that there were instances in which the highest judicial services had been lost to the country because of the lowness of the sum fixed as salary. The reason why they obtained Judges at the cost of reduction of their incomes was mainly by reason of the certainty and security against calamity which was afforded by the retiring allowance. If that allowance were diminished or taken away, they would either be obliged to pay higher salaries, or, what would be a great injury to the public, they would lose the service of persons the most efficient to discharge judicial duties. Another consideration was, that Judges should retain their offices no longer than they were capable efficiently to perform their duties; and if a great difference were made between the salary and the pension, there would be a great temptation to remain on the bench after the powers of the mind were enfeebled by age and infirmity. But he would call the attention of the House to what had really happened. The first Vice-Chancellor was Sir Thomas Plumer, who died Master of the Rolls in 1825, after ten years' service, without a retiring allowance. The next was Sir John Leech, who died in 1833 Master of the Rolls, without a retiring allowance, after sixteen years' service. The next was Sir Launcelot Shadwell, who died in 1850 on the bench, after twenty-two years' service, and of course he had no retiring allowance. If he had addressed the House a year ago, he could have said that there was no instance on record, in the experience of thirty-five years, in which a retiring allowance had been made; but the unexpected calamity which had befallen one of the most efficient and conscientious Judges that ever sat upon the bench, Sir James Wigram, had rendered him unable to remain, or he would undoubtedly have preferred continuing to devote himself to the service of his country than retiring in idleness. This was the first instance which had ever yet occurred of a retiring pension; and the only way, and the cheaper way, to obtain first-rate efficiency was, he believed, to give a good retiring pension. It would have been easy for the Government to acquire a little popularity by agreeing to this reduction; but believing it a matter of vital importance to the public interest, he must call upon the House to reject the Amendment of the hon. Baronet.

Question put, "That the words proposed to be left out stand part of the Clause."

The House divided:—Ayes 49; Noes 32: Majority 17.

Bill to be read 3° To-morrow.

CIVIL BILLS, &c., (IRELAND) BILL.

Order for Second Reading read.

Mr. HATCHELL moved the Second Reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. REYNOLDS objected to proceeding at that late hour (a quarter past one) with a Bill consisting of near 160 clauses, and which would alter the whole practice and procedure of the Civil Bill Courts in Ireland. He should like to have an explanation of the Bill from the hon. and learned Irish Attorney General before being asked to consent to the second reading; but instead of doing so, the hon. and learned Gentleman had not said a single word, except to move the second reading of the Bill. He begged to move that the House do now adjourn.

Whereupon Motion made, and Question proposed, "That this House do now adjourn."

The O'GORMAN MAHON denied that the hon. Gentleman the Member for the city of Dublin spoke the sentiments of the Irish people in opposing the second reading of this Bill, which was one for the better administration of justice in Ireland. The House ought at once to agree to the second reading, and amend what was defective when the Bill came before them in Committee. He would be no party to the factious opposition shown by some Members to every measure brought forward, whether for the benefit of the country or not, because it came from those who happened at present not to act in accordance with the opinions of certain individuals who assumed to themselves the character of being the only real Irish representatives. He protested against the conduct of those individuals, and would tell them that, as an Irishman, he was prepared to support every measure brought forward by Government that he thought would be for the benefit of Ireland.

Mr. ROCHE opposed proceeding with a Bill to consolidate fifty Acts of Parliament, that contained 158 clauses, and extended over 100 pages, at that hour in the morning.

Sir W. SOMERVILLE said, that the Bill was brought in in pursuance of a pledge which he gave to the hon. Member for Cork last Session but one, and of an intimation which the right hon. the Home Secretary gave to a deputation of Irish Members who waited upon him last year to press this subject upon the attention of the Government. If the principle of the Bill was opposed, there was no wish on the part of his right hon. Friend to press the second reading at that time.

Mr. KEOGH thought that the course pursued by his hon. Friend the Member for the city of Dublin was misunderstood by the right hon. Gentleman the Secretary for Ireland. He (Mr. Keogh) did not understand any of those hon. Members alluded to had objected to the principle of the Bill, nor did he understand them to insinuate that there was anything like a party principle involved in the present question. He could not imagine anything of a party discussion in it. They did not oppose the principle of the Bill, but it was one of such magnitude and importance as claimed at least from the first law-officers of the Crown for Ireland some statement as to what the principle of the measure was. The opinion entertained by the majority of the Irish Members was this—that measures of this kind should not be introduced by the law officers for Ireland without some explanation as to the grounds upon which they were founded. And they also objected to those measures being handed over from the law officers in Ireland to the law officers in England, who had quite sufficient business of their own to occupy them. The Irish Members did not think that such a system should be continued, nor that the business of the Irish law department should be carried on at one or two o'clock in the morning.

Mr. HATCHELL said, he thought he had a right to complain of the manner in which he had been dealt with in this discussion. When he introduced the Bill, he stated that its object was, in the first place, to consolidate and codify fifty Acts of Parliament that had existed for nearly a century; he explained those parts of the Bill that were new; his hon. and learned Friend the Member for Dundalk was present, and made some observations on the Bill, and his impression was, that all the Irish Members were in perfect possession of the contents of the Bill. He was disposed not to propose the second reading that evening, but he was pressed to do so; then when hon. Members opposite objected, he offered to postpone it, but that did not appear to suit them, and so he again proposed it. In fact it was not on the Bill, but upon him (Mr. Hatchell) that they wished to express their opinion. He asked the assembled Commons of England — English Gentlemen and Irish Gentlemen —whether this was a course of conduct that ought to be pursued, This course of conduct must and, as far as he was concerned, would be resisted if repeated. It was admitted that the principle of the Bill was unquestionable; he was, however, quite prepared to postpone the second reading for the present. [*Cries of* "Go on!"]

MR. TORRENS M'CULLAGH said, that what the Irish Members complained of was the habitually late hour at which Irish legislation was brought on in that House.

MR. C. ANSTEY hoped his hon. Friends would consent to the second reading, in order that the Bill might be referred to a Select Committee.

VISCOUNT PALMERSTON said, the House was sometimes occupied with discussions on which there was really a difference of opinion, but it was very hard indeed they should be kept up so late (half-past one) when there seemed to be no difference of opinion whatever. His right hon. Friend first said he was ready to postpone the Bill. That course was objected to, and his right hon. Friend was met with cries of "Go on, go on!" and yet when he was proceeding with the Bill, he was told he ought not to bring it on at so late an hour. It did seem most unreasonable that hon. Gentlemen would not accept the liberal offer of his right hon. Friend, and consent to the postponement.

Motion and original Question, by leave, withdrawn.

Bill to be read 2° on Wednesday next.

The House adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, March 28, 1851.

MINUTES.] PUBLIC BILL.—1ª Consolidated Fund.

PAPAL AGGRESSION.

EARL FITZWILLIAM, in presenting petitions from Derbyshire, Yorkshire, and Cumberland, against Papal aggression, expressed his regret at the position in which Parliament was now placed in reference to this subject. He apprehended that when Parliament was called together for the present Session, it was the general expectation that, if there were one question which more than another required prompt and decisive action on the part of the Legislature, it was the question which had so greatly excited the religious feelings of every person in the kingdom, whatever might be the persuasion to which he belonged. Now, he did not know what were the reasons which influenced those who had charge of the Bill in the House of Commons in proposing the changes and modifications of that measure which he understood they contemplated. He did not know whether their intention was or was not to be taken as an indication of any particular opposition that had been offered to the Bill. True, there were individuals who had expressed their opinions against the clauses which were to be struck out; but no division had taken place upon them, nor had any Parliamentary ground been laid for abandoning clauses which appeared to him to be ancillary, and indeed necessary for the purpose of giving effect to the Bill. He thought it was the duty of Parliament to make it plain to the Sovereign Pontiff that, if restraints had been removed which were impediments to the extension of the Roman Catholic religion, the removal of those restraints was due, not to the disposition of Great Britain to remove restraints to the progress of that religion, but to a sense of justice on the part of the British Legislature. He was satisfied, from what he saw passing around him, that unless some decision was speedily come to on the question, the agitation which rose to such a height in the autumn of last year would be revived, and instead of Parliament legislating with a view merely to vindicate the authority and prerogative of the Crown, and prevent measures being taken which would have a tendency to advance the Roman Catholic religion, they would by their tardiness excite in the minds of the people of England an inclination towards an intolerant spirit, which he should very much regret to see evoked. Therefore he was most anxious, whatever decision was come to, and whether the Bill was passed in its original form, which he did hope would be the case, or modified by the excision of the second and third clauses, that there should be no greater delay than was absolutely necessary for satisfying the forms of the other House. He had used the expression "vindicate the authority and prerogative of the Crown;" but he could not say that that was a part of the question upon which he felt very strongly; for he did not very much care about an attempt at infringement upon the authority and prerogative of the Crown by a Power which could not practically infringe them; and he knew that the Roman See could not practically infringe them. In the same light he was disposed to regard the proceedings of the Court of Rome, so far as the independence of this nation was concerned. But there was one point of view in which he contemplated these proceedings with much uneasiness and alarm. He was satisfied that the establishment of Papal sees with territorial titles, which would assuredly be followed by what he might call territorial residences, would have a great effect in spreading the Roman Catholic religion. It was against that he desired to guard. It was against that he desired their Lordships to legislate, and it was with that view he thought the measure prohibiting the use of these territorial titles in its original shape was a wise measure. If he understood the effect of the changes which were about to be made in that Bill, however, he very much doubted whether, when those changes should have been made, the Bill would be effective for the purpose for which it was designed.

The Earl of CARLISLE said, he had several petitions to present on the same subject, but he should not follow the example of his noble Friend by commenting upon a Bill which was in another place, and which they would, in all probability, have future opportunities of discussing in that House; but would simply present the petitions.

The Earl of ABERDEEN said, he had received several petitions, numerously signed, from different Catholic communities against the Ecclesiastical Titles Bill, which was now before the House of Commons, but which petitions, in consequence of the forms of the House, he was unable to lay upon their Lordships' table. He had great hopes he never should have an opportunity of presenting those petitions, for he hoped the Bill would never find its way to their Lordships' House. He held in his hand, however, a petition which was very admirably drawn up, and which, as it prayed generally that there might be no penal legislation against the Roman Catholics, he believed was strictly in order. He would, therefore, lay it on their Lordships' table.

Earl GREY said, that the noble Lord was quite correct in supposing that, as the petition he had just presented was against penal legislation, and could not therefore be said to be against the Bill in the other House, it was strictly regular; but he suspected the noble Earl was not quite so correct in his anticipations that that Bill would never reach their Lordships' House, if he might judge by what appeared on the Votes of the other House.

Petitions read, and ordered to lie on the table.

House adjourned to Monday next.

Earl Fitzwilliam

HOUSE OF COMMONS,

Friday, March 28, 1851.

Minutes.] New Writs. For Devonport *v.* Sir John Romilly, Master of the Rolls; for Southampton Town, *v.* Sir Alexander James Edward Cockburn, Attorney General; for Oxford City, William Page Wood, Esq., Solicitor General.

Public Bills.—1ª, Acts of Parliament Abbreviation Act Repeal; Small Tenements Rating Act Amendment; Crown Estate Paving; General Board of Health.

3ª, Appointment of a Vice Chancellor.

PUBLIC BUSINESS.

Mr. REYNOLDS stated, that, during the greater part of the Session 1848, a Select Committee sat upon the subject of Ministers' Money in Ireland. They examined several dignitaries of the Protestant Church, who were favourable to the abolition of that impost, on a substitute being provided; and it was understood Government intended to introduce a Bill for providing that substitute. In pursuance of notice, he would ask, at what time did the Government intend to introduce any measure with a view to the abolition of Ministers' Money? That money amounted to 16,000*l.* a year, out of which his constituents paid 2,000*l.* a year; and, therefore, he thought a sufficient case was made out for the alteration of its assessment.

Lord J. RUSSELL: Sir, if it be now convenient to the House, instead of answering the question of the hon. Member, I will state the course I propose to take for the conduct of Public Business; and, in doing so, I shall afford an answer to the question. It is absolutely necessary that we should proceed to-day to the consideration of the Army Estimates; and that the House should receive the report of the Committee of Supply to-morrow. I propose to go into Committee of Supply, on Monday, on the Army and Ordnance estimates. On Friday, my right hon. Friend the Chancellor of the Exchequer will state the alterations he proposes to make in the financial arrangements; and on the same day he will move, in Committee of Ways and Means, a Resolution in respect to the continuance of the Income Tax. We can then go into debate on the Motion of the right hon. Gentleman the Member for Stamford, unless the right hon. Gentleman should think it inconvenient to do so, at a late hour in the evening, when we can take on Monday evening the debate on that Motion. The only days when the Orders of the Day take precedence, at the disposal of the Government, before Easter, will be applied to the financial arrangements and the remaining estimates. I very much regret that, in consequence of this necessity, I am unable to proceed, as I should wish to do, immediately after the second reading, with the Ecclesiastical Titles Bill. I cannot proceed with it before Easter; and I stated the other night, that I should not take it the first Order day after the Recess. The first Order day will be on Monday, the 28th of April. I do not wish to press the matter upon that day; but I think it will be perfectly fair to take it the next Order day. I propose, therefore, to take the Committee on the Ecclesiastical Titles Bill on Friday, the 2nd of May. With regard to some measures of which I have given notice, one of the most important which I stated I should bring forward in the course of the present Session, is the Bill for the abolition of the office of Lord Lieutenant of Ireland. It appears that, upon the proposal for the abolition of that office, which was made last year, strong feelings have been excited, and the general feeling in Ireland now is favourable to its continuance. My opinions of the advantages to be obtained by the empire, and more especially by Ireland, by the discontinuance of the office, remain unaltered. Seeing the important business to come on, it will make it late in the Session before the Bill can be introduced; and, seeing the opinion now prevailing, I do not intend to propose that measure this Session. With regard to the question which the hon. Gentleman the Member for the city of Dublin has asked, as to the Bill for the abolition of Ministers' Money, it was my intention, as I stated at the beginning of the Session, to bring in a Bill for the purpose; and if I find that there is time to introduce that measure, I shall introduce it. But I am not prepared to fix the time, or to say absolutely that it will be in my power to introduce that measure this Session. This is my statement with respect to the course of public business. I should, however, say, that, when the House resolves itself into a Committee on the Ecclesiastical Titles Bill, and has again that matter under consideration, it will be desirable to proceed with the remaining stages of that Bill, and finish a matter of such importance as soon as possible after going through Committee.

AYLESBURY AND ST. ALBANS ELECTIONS.

On the Order of the Day for the consideration of the petition of James Coppock, in the matter of the St. Albans Election, and of the petition of Frederick Calvert, in the matter of the Aylesbury Election,

MR. AGLIONBY said, that, as the point of law involved in the case of Aylesbury, and that involved in the petition in reference to St. Albans, which he (Mr. Aglionby) had presented yesterday, were nearly the same, he would be content that the decision of the House in the one case should rule the other. He did not know how many Committees had been named under similar circumstances; but he knew that the matter involved the seats of at least two Members who sat on his side of the House. The House, however, in considering the question, would discard from their minds all considerations as to who would be affected by the decision. In referring to these petitions, he would only trouble the House with a statement regarding that which he had had the honour of presenting yesterday—the St. Albans. The petition stated that "an informality had been committed; that the petition against the return of the Member for St. Albans had not been addressed to your Honourable House, nor to any court or tribunal whatever; and the conclusion, that it was intended for your Honourable House, can only be drawn from the reading of the entire petition, and is merely an inference, not a positive averment." If it had been a petition on an ordinary question, it would have been at once thrown aside. By the Act, it was required that intimation of an intention to nominate the Committee should be published with the Votes "not less than fourteen days" before such nomination. The question, then, was simply as to whether "not less than fourteen days" meant fourteen clear days, or not. The practice, he was informed, was to construe the "fourteen days" to mean one day exclusive, and the other inclusive. Assuming this to have been the practice, it would not influence the House if that practice were wrong. The question had never, however, been before the House; and the House had never, of course, expressed a decision on the point. No lawyer would tell him that the Courts of law considered "not less than fourteen days" to mean anything else than fourteen clear days.

He held in his hand two pages of cases which bore out his view on the subject. To two of these only would he refer—that of "Chambers *v.* Smith," and that of "Young *v.* Higgen." He selected these two from a list of nineteen or twenty cases, in which the decision on this point of law had been uniform. In the first case, "at least one calendar month" had been held to mean not less than one clear calendar month; and, in the second, "not less than fifteen days" had been held to mean not less than fifteen clear days. He submitted, that if the proceedings were void *ab initio*, the Committee was at an end, and need not be sworn.

Motion made, and Question put—

> "That the appointment of the Select Committee to try the matter of the St. Albans Election Petition not being in conformity with the Statute (Election Petitions Act, 1848), is void."

Mr. FOX MAULE said, the Committee on this question had not acted without having precedents for the course they had taken. In 1845, a petition for trying the election for Dartmouth had been presented, and a Committee had been appointed exactly under the same circumstances as the present one, and no objections had been made. In 1846, the Committee for trying the election for Wigan had been appointed under the same circumstances, and it was remarkable that in that case, as in the present one of St. Albans, Mr. Coppock had been the agent for the defence, and he had then taken no objection. In 1848, the Committee for trying the election for Horsham had been appointed in the same way: there had been the same agent for the defence, and no objection had been taken, nor had any complaint been made. The objection made in the present case was, that fourteen clear days had not elapsed between the intimation and the nomination of the Committee. Notwithstanding all he had heard, he was still of the opinion that the Committee had discharged their duty correctly and properly; and, moreover, he hoped he would not be out of place in saying that he considered this to be a question which should be decided rather by the good sense of the House itself than by legal opinion. On the 10th of March, previous to four o'clock, the day had been fixed and settled that the General Committee should meet on the 25th of March to name the Select Committee in the cases of St. Albans and Aylesbury. The matter had been duly intimated at the Journal Office on the 10th, and it had been intimated in the House the same evening. The Act of Parliament required that notice should be given in "the Votes" fourteen days before the nomination. Now, in the Votes delivered on the 11th of March, the precise date of the 10th of March had been placed, and he contended that the notice had been quite in accordance with the Act of Parliament. The transmission of the notice to the Journal Office within the proper time was, he held, quite sufficient. He was quite confident that the notices and the cases before the House had been properly made, and that the Committee was quite legally chosen. He would meet the Motion of the hon. and learned Member with a direct negative.

Mr. HEADLAM thought that hon. Gentlemen who were not lawyers could not have the slightest difficulty in forming as good an opinion on this subject as lawyers could. The fifty-first section stated, that notice of the time that the Committee would be sworn, should be published in the Votes not less than fourteen days before the day on which such Committee was appointed to be sworn. They were appointed to be sworn on the 25th of March; but the notice was not published till the morning of the 11th of March. It appeared by the Votes that the House did not rise till three in the morning on the 11th of March, and the Votes, therefore, of the 10th could not be in a state to be published till the morning of the 11th, and therefore fourteen days' notice was not given. He thought the matter might be referred to a Committee to consider what was the best course to adopt.

Mr. ARMSTRONG said, he presented a petition from Aylesbury in which the same point arose. The expression in the Act was, not less than fourteen days, and authorities had been cited that that was fourteen clear days. Notice had been given on the 11th, and therefore fourteen clear days' notice had not been given.

Sir R. H. INGLIS said, that a wrong act done in former years could not justify a similar act at the present time, and they must be entirely guided by the construction of the Act of Parliament. He would limit himself to the question whether the requirement of the Act, as to publication, had or had not been fulfilled. Now could there be a publication more complete than the statement made in the House by the Chairman of the Committee of Selection, that he and his colleagues had fixed the Committee? If that was done, and an entry was made in the Journal Office, the letter as well as the spirit of the Act had been complied with, and fourteen complete days, from four o'clock on the 10th March, had expired before the meeting of the Committee on the 25th. He certainly felt inclined to support the view taken by the Committee.

Mr. C. ANSTEY said, that the Act required publication, and publication did not consist in the mere printing. What the Act required was publication with the Votes, and it recognised our existing method of printing with the Votes; and the real question was, whether or no the practice of the Courts of Common Law and Equity was identical with the practice of that House in regard to Election Committees; for if that were so, he had no hesitation in saying that the statute was exhausted in the present instance, and they had no power to proceed, not having reserved to themselves by Act of Parliament for the trial of election petitions, any of those powers once inherent in this House.

Mr. WALPOLE believed it was the rule of the House of Commons that technical objections, through slip or mistake, should not interfere with justice. The parties in this case were the sitting Member and the petitioner; the judges were the House of Commons; and if the General Committee appointed to select a Committee to try the petition had made a slip or mistake, which was not absolutely fatal according to the Act of Parliament, it became the House to rectify the slip or mistake, so that no injustice should be done to either of the parties. The Act required the notice to be "not less than fourteen days" before the time when the Committee was selected. His opinion was, according to the decision of the Courts of Law, that fourteen days meant fourteen clear days. If the Act was exhausted in consequence of the fourteen clear days' notice not having been given, no further proceedings could be taken; but he was of opinion that the Act was not exhausted. The clause respecting the notice was merely directory. The appointment of the Committee was not made to depend on the validity or invalidity of the notice. The notice was required to be given to the sitting Member, in order that no injustice might be done him; and that being so, on the day appointed for the selection of the Committee he or his agents ought to have objected to the appointment of the Committee; but having neglected to do so, the objection was waived. If that view was correct, the next question was, what ought now to be done, and whether the Members selected to serve on the Committee ought not to be sworn? By the 68th section it was provided that upon the Members being brought to the table to be sworn, and then having been sworn, it should be taken to be a Select Committee legally appointed, and the legality of such appointment should not be called in question on any ground whatever. If, therefore, the sitting Member could not allege any substantial objection to the Members being now sworn, his (Mr. Walpole's) opinion was that they could not do justice to the petitioner as well as to the sitting Member, without allowing the Members to be sworn. If an objection could be taken in consequence of irregularity of notice, objection ought to be taken to their being sworn; and, under the 73rd section, the Committee should be discharged, and another Committee appointed.

Mr. BERNAL quite agreed with the hon. and learned Member for Midhurst, that when the Committee was sworn, their appointment must remain unquestioned; but there was a difficulty. These five Gentlemen should have been sworn yesterday. [No, no!"] Well, then, to-day; and they could not be sworn after four o'clock. The Act provided that they should be sworn on the first business day after their appointment, and yesterday was the first day the House had met after their appointment on the 25th. However, the point was, were they in the habit of subscribing to the doctrine of the Court of Queen's Bench or Common Pleas in its construction of legal technicalities? He remembered a case—the name of which he could not at that moment call to mind—in which the House had held that in calculating the days one day should be inclusive and the other exclusive, and it was curious that with respect to private Bills the order said seven clear days.

Sir G. GREY said, he regretted this case had been brought before the House, because he did not think that House was the best tribunal for settling a nice point of law. This question of reckoning fourteen days' notice had come before the Courts of Law, and he believed there had been conflicting decisions upon it. At the same time they were bound to decide the question that had come before them. He agreed with his hon. and learned Friend (the Member for Midhurst) that the party petitioning the House and asking the

House to interpose to prevent the swearing of the Committee had really suffered no wrong; he had substantially all that the Bill gave him. The question, therefore, was, were there distinct grounds for interference, and were they justified in interfering? In his mind there was some doubt of that, and he should, therefore, not vote for the resolution.

MR. AGLIONBY, who rose amid cries of "Withdraw," said he should not withdraw the Motion, as he thought it well to take the decision of the House. The right hon. Gentleman the Chairman of the Committee had quoted three precedents; but the House would be surprised to learn that out of 36 nominations by the General Committee, 27 were free from this objection. He apprehended that in common law and common sense the House were bound to vote for this Motion.

MR. HOBHOUSE wished to warn the House that whatever decision they might come to might be overruled by the Courts of Law, and this circumstance conferred great importance upon the decision at which they might arrive. He should suggest, therefore, that his hon. and learned Friend should withdraw his Motion, and consent to refer the matter to a Select Committee. He had no political bias on this matter, but he would not consent to sacrifice their rights. Ever since Sir Robert Peel's Act, controverted elections had been determined with an impartiality that had never been known before, and he had no other object in view but that they should avoid the difficulty which he foresaw of coming possibly into collision with the Courts of Law.

SIR D. DUNDAS advised the House to be afraid of nothing that might befall them from the Courts of Law. He had not a doubt that the legality of the appointment of a Committee when once sworn could not be called in question upon any ground whatever. But he was not of the same opinion with the right hon. Baronet the Secretary for the Home Department, or with the hon. and learned Member for Midhurst; for, having looked into the Act of Parliament, he considered that the words to which the hon. and learned Gentleman referred were not in that enactment by way of directory language, but that they were imperative upon that House, and described a rule which was as clear as the words of an Act of Parliament could make it. The hon. and learned Member had avoided all allusion to the publication "in the Votes," and this was where he erred. The hon. and learned Gentleman said that fourteen days were, in his opinion, fourteen clear days, and in that opinion he (Sir D. Dundas) concurred, but it should be from the publication in the Votes. No one could doubt that the word "clear" was co-equivalent, and of the same quality, as "not less than so many days." There were no decisions in the Courts of Law as to the construction to be put upon the words "not less," but there was a decision as to the value of the words "at least," and he had no doubt, if the words had been "at least" instead of "not less," they could not have given a decision other than that fourteen clear and absolute days were intended. They were acting judicially upon this question, and though he always regretted to vote in opposition to his hon. and right hon. Friends, it was his clear conviction that, upon the point of law, he must do so in this case.

The House divided:—Ayes 79; Noes 204: Majority 125.

Committee sworn.

THE BUDGET.

MR. HUME said, he understood that the Budget was not to come on on Monday evening, and that he considered was a breach of the understanding made with the House, and therefore a breach of good faith. When his hon. Friend the Member for Lambeth submitted his Motion, he seconded it for the purpose of asking him to withdraw it, in order to allow the Chancellor of the Exchequer to make his statement. But if now the Budget was postponed, what security would they have? They would have the Navy, the Army, and the Ordnance Estimates, which were the principal votes of Supply, passed, and then the Budget was to come on. He did not think that this was treating the House fairly. He considered, therefore, that the House should not proceed with the Votes until they had the Budget before them. If the thing had been unexpected, it would have been a different matter; but the Government had had two or three weeks to consider the matter, and consequently they had no excuse. In fact, it looked as if they were taking advantage of the disposition of the House to forward their objects; and they (the Members) would be liable, if they acquiesced in it, to the suspicion of neglecting their own duties. He begged, therefore, to propose—

"That this House is of opinion that Her Majesty's Government ought, agreeably with their promise, to bring forward their Budget before proceeding further with the Supplies."

He was not aware that there was any obstacle to their bringing forward their Budget at once, and therefore he would submit the Motion he had just read to the House.

MR. SPEAKER said, that the Resolution was not in order, because the Motion of the hon. Member for Portarlington was now before the House.

LORD J. RUSSELL said, he did not recollect having given any understanding, or made any promise, that the Government should bring forward the Budget before they had got the supplies. He certainly thought that, according to the theory of the hon. Member for Montrose, the Government, having a surplus in hand, would be perfectly justified in proceeding with the Estimates before the Supplies.

MR. W. WILLIAMS could not avoid expressing his surprise that the Budget had not been considered before they had been called on to vote any further portion of the Supplies. He was surprised that the right hon. Baronet the Chancellor of the Exchequer should for one moment have delayed to bring forward his financial statement. The right hon. Gentleman stated on a recent occasion that he intended to reduce the duty on Timber and Coffee, and also to take the duties entirely off seeds. The right hon. Gentleman must be aware, at all events, this was about seed-time ; and that in consequence of his statement that important trade was paralysed. He (Mr. Williams) believed it had always been the custom in such cases to take off the duty provisionally, and give a guarantee. However, the result had been very much to inconvenience the trades to which he had referred ; and he considered that the delay was totally unnecessary, for the Government had had plenty of time to consider what course they would take. With regard to the feeling out of doors on the subject of the Budget, the Government must be aware that several Members in the House had been called upon to oppose every vote of supply unless that most odious and obnoxious tax, the Window Duty, should be repealed. If the hon. Member for Montrose should take an opportunity of moving his Resolution, he should certainly support it, for he considered its principle most salutary.

MR. B. OSBORNE said, he would never pledge himself to stop the supplies, whatever constituency he might represent. At the same time, however, he must say that the noble Lord at the head of the Government had hardly acted quite fairly by his supporters in that House. He hoped the right hon. Gentleman the Chancellor of the Exchequer would just get up in his place and state whether he meant to repeal the Window Tax or not. He could answer for it, that such a step would calm the apprehensions of many hon. Gentlemen on that side of the House; and he hoped he was not asking too much of the right hon. Gentleman, for he must have made up his mind one way or the other. Those two important trades—the timber and the seed trades—were suffering greatly from the suspense; and he did hope that the right hon. Gentleman would at least make a short statement on the subject, even if he could not bring forward his whole Budget.

The CHANCELLOR OF THE EXCHEQUER did not think the request of the hon. and gallant Gentleman by any means a reasonable one, and he considered that it would not be for the advantage of the public service that he should now state what was the course he meant to propose. The hon. Member for Montrose must be aware that, according to the system recently introduced, of paying over into the Exchequer all balances on the 5th of April, the close of the financial year, it would be utterly impossible that any payments could be made for the great public services after that date, unless the money was voted by the House. Besides, it must be remembered that the Mutiny Bill must be passed before Easter, and the number of men also voted before the 5th of April. He did not mean to say that he could not make the financial statement as well on Monday as on Friday, but it was indispensable to proceed at once with the Estimates, unless a stop was to be put to the public service on the 5th of April.

SIR B. HALL understood the noble Lord, after the division the other night, that he would take the Army Estimates, and that he would then state when the right hon. Gentleman the Chancellor of the Exchequer would make his financial statement. In the earlier period of the Session, however, he had distinctly understood the noble Lord to say that he would take the Navy Estimates, and that he would then lay before the House his financial views. Now they ought to have that statement before they proceeded to grant any of the Estimates. They were fast approaching Easter, and as a night would be taken up by the important subject on which the noble Lord had given notice that he would move a Committee on the Kaffir war, they would be thrown another night forward, and would have that less time to consider the financial statement of the Chancellor of the Exchequer. He considered, therefore, that the arrangement which had been made with the House ought to have been carried into effect. But to show the necessity for this financial statement, he would remark that in consequence of the general condemnation of the Budget, they had reason to believe that a new proposition was likely to be made ; and he thought that they ought to be in possession of that statement before they proceeded any further. He hoped, therefore, that they might carry out the understanding which they certainly had in the first instance, and that they should have the Chancellor of the Exchequer's statement before they went any further.

The CHANCELLOR OF THE EXCHEQUER said, that the hon. Baronet was not accurate in supposing that there had been the understanding which he stated.

SIR DE LACY EVANS thought that the Chancellor of the Exchequer should make his financial statement on Monday. The noble Lord at the head of the Government had given notice of a most important Motion for that night; but there was a subject of far more importance and of much deeper interest than the Kaffir war to the inhabitants of the metropolis and of the large towns, namely, the Window Tax. The proposition of the right hon. Baronet on that subject had given universal dissatisfaction; and he believed that that proposition would be altered. If, however, he was mistaken, he should be glad to be informed that such was the case. He must concur, however, to some extent, with the right hon. Baronet with respect to what he said as to stopping the public service; and he believed that the number of men to be proposed was not an extra or improper number.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

COLONEL DUNNE said, that the original foundation of the establishment at Kilmainham, under Charter granted by Charles II., and the buildings now called the Royal Hospital, had actually been erected by deductions of sixpence in the pound from the pay of soldiers in Ireland. That deduction was made under an order of the Duke of Ormonde; and it only ceased when the institution was handed over to the Government. He contended, it was therefore unjust to deny admission to the asylum when they were worn out or maimed in the service of their country. In 1834 the question of abolishing the Hospital was previously agitated, and on that occasion the opinions of the General commanding in Ireland and of the Lord Lieutenant were strongly opposed to any such measure. The Marquess of Anglesey and Sir Hussey Vivian officially declared that the breaking up of the establishment would have a very prejudicial effect with respect to the Army, the Irish portion of the soldiers being deeply attached to an institution totally created by themselves, and animated by a natural desire to spend the remainder of their days, after being worn out in the service, in an asylum belonging to their native country; and these high authorities considered that any saving to be effected by removing the establishment to England would be so trifling as to be unworthy of consideration in opposition to the other reasons for keeping up the asylum at Kilmainham. Lord Stanley was also another high authority on the question, and his Lordship had put on record an emphatic declaration not only with regard to the insult and injustice threatened towards Ireland by the removal of this Hospital, but also with regard to the impolitic principle of centralisation involved in the measure. His Lordship said that it could not be denied that the consolidation of the establishments of the country, however it might be called for by general principles of economy, had a very injurious effect locally on an old country in which such institutions had grown up and continued; and Lord Stanley also considered that the only excuse that could be offered for such a measure would be a large saving of expense. Now he (Colonel Dunne) could show that the saving of expense by the removal could only be very trifling. In the first place, if the pensioners were transferred to England a large additional expense must be incurred for the establishment at Chelsea. In 1834 it was estimated that the whole expense of the Kilmainham establishment to the country was 8,417*l.* a year; while the sum that would be required by the removal to England, and the expense for additional pay to the out-pensioners, and for the transfer of the pensioners from the one country to the other, was estimated altogether at 6,174*l.*;

so that, allowing for the reduction in the expenses of the establishment since 1834, the removal at present would effect a saving to the country of little more than 2,000*l.* The number of pensioners in Kilmainham Hopital was 205, and the cost per head for food was 5*l.* cheaper at Kilmainham than at Chelsea. So that, if it were only a question of economy, it would be greater economy to remove the Chelsea establishment to Kilmainham, instead of removing that at Kilmainham to Chelsea. But Kilmainham Hospital was possessed of funds of its own. In the Army Estimates a sum of between 400*l.* and 500*l.* a year was credited to the establishment as dividends on stock and rents of lands; and adding to this the rents received by the master of the Hospital for certain other acres of land, which also went to the credit of the Hospital, this made a total of nearly 700*l.* a year as the revenue of the Hospital and the property of the Irish soldiers. If the Governors of the Hospital were allowed to conduct the repairs, he believed there would be no necessity for a vote from Parliament for that purpose; but the repairs were taken out of their hands by the Board of Works, and 2,000*l.* odd was the sum annually charged by the Board of Works for the repairs; but looking at the state of the establishment he could not understand how so much money could be laid out on the building, when there was so little to show for it. But he thought the Hospital had a credit against the nation on another ground, because as many of the apartments of the establishment were taken up for the offices of the Adjutant-general, and other offices for the staff of the Army, as were used for the purpose of the Hospital itself. If credit was allowed for the rent of these offices for the Army, he believed that the Hospital must be found as nearly as possible self-supporting. Then with regard to the Charter of the Hospital, it had a clause to prevent the alienation of the property, and the Governor had taken the opinion of Mr. Blackburne and Mr. Crampton (now eminent Judges in Ireland), who both declared that it was illegal to transfer the establishment, and that it could not be lawfully abolished without an Act of Parliament. The right hon. Secretary at War had a sentimental feeling in favour of Chelsea Hospital; and when examined before the Committee on the Army and Navy Estimates, the right hon. Gentleman said, he should not like to see the asylum which had been so long established at Chelsea abolished, even although it should lead to some saving of expense. Now he (Colonel Dunne) asked the right hon. Gentleman to evince the same feeling in favour of a useful national and popular asylum in Ireland; and he called upon the House to resist the unjust and unwise policy of centralisation, from which the suggestion to abolish it had emanated.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'Orders having been given not to receive any more Pensioners into the Royal Military Asylum at Kilmainham, it may be inferred that it is the intention of Her Majesty's Government to abolish that Establishment; and it is the opinion of this House that such abolition is not advisable,' instead thereof."

MR. GRATTAN, in seconding the Motion, said, he considered the right hon. Secretary of War, in proposing the abolition of Kilmainham Hospital, was acting most illegally. This was not only a violation of the law, but the most presumptuous interference of the Government he had ever heard of, in issuing an order against the admission of further pensioners to Kilmainham Hospital. If the officers of the establishment were well advised, they would just take the order of the Government, and tear it in pieces before the men. Judges Blackburne and Crampton had declared that the lands were held under Charter. The Government might as well seize the estate of a private gentleman, as abrogate a Royal Charter. The right was not only founded on the Charter, but on the fact of deductions having been made from the soldiers' pay in support of the Hospital. In 1835, an attempt had been made to induce the pensioners to go out, but very few would consent to the proposal.

MR. GROGAN said, it was unworthy of Her Majesty's Government to make this attempt in the present state of Ireland. A proposition to somewhat the same effect was made in 1833; and Lord Stanley, then the Irish Secretary, very truly said it deserved to be well considered whether the pecuniary advantages attending the proposed change were not counterbalanced by the injurious impression which it would produce in Ireland. Those arguments were to this day unanswered. Was the city of Dublin or was Ireland in a better position now than in 1833, so as to justify them now in prosecuting a measure which they then abandoned? He hoped, however, that it had been taken up hastily, and would not be persevered in; at all events it ought not to be carried by a side wind. The building and ground could not be appropriated to any other purposes than those prescribed by the Charter. In 1822 an Act of Parliament was passed to transfer the documents belonging to Kilmainham to this country; and the trustees thought it their duty to take a legal opinion on the subject, which was sent to the Lord Lieutenant. What was the result? [Mr. Fox Maule: The thing was done.] Yes, but how? By passing an Act of Parliament enabling them to do so; and he wanted to know on what principle they thought themselves at liberty to dispense with an Act of Parliament in the present instance? Before taking such proceedings the law officers of the Crown should be called on to give their opinion.

Mr. FOX MAULE said, he really hardly knew how to deal with the question before the House. Hon. Gentlemen talked as if he had proposed to expunge from the Estimates the Vote for Kilmainham Hospital altogether; but if they would turn to the Army Estimates, they would find that the Vote to be taken was exactly the same for this year as for the preceding. But he must say, as the question had been raised by his hon. and gallant Friend, that he was one of those who had formed a very deliberate opinion that the system of in-pensioning was one that was not popular with the soldiers of the British Army; and that being so, he should like to know why it was that the British Parliament should be called upon to vote money for the purpose? It was quite true that when Kilmainham and Chelsea Hospitals were instituted, they were the only refuge, with the exception of certain invalid companies, for those soldiers who were disabled in action. With standing armies, it was necessary to provide refuges for those who were disabled in action; certain buildings were therefore allotted as residences for disabled soldiers; invalid companies were instituted into which they were drafted, and the Hospitals of Chelsea and Kilmainham were established. It had been said that those establishments were paid for by the soldiers themselves. That was an assertion which had been made both with respect to Kilmainham and Chelsea, but which had been contradicted over and over again; and he fearlessly asserted, that no soldier, prior to the year 1795, ever contributed a single shilling of the pay due to him for the erection and maintenance of those establishments. A few words would suffice to show this. Formerly the pay of the soldier was distributed into two parts—the one was called subsistence, the other was given in the name of off-reckoning, for the clothing and other necessaries. The only portion of the pay which came to the soldier was that part which came under the name of subsistence; that amount was paid to, and was considered the property of the soldier, and from that subsistence no deduction was ever made. With respect to the portion called off-reckoning, that was paid to the colonel of the regiment. From that the soldier was provided with his clothing and other articles; but that amount was paid only through the colonel of the regiment. For many years these two payments were, he was sorry to say, very generally in arrear. They were paid in monthly musters, and they were from time to time about four months in arrear. But in 1762 the Paymaster General undertook, upon a contract, to pay these more regularly. The bargain which he made was, that in return for the more regular payment, there was to be a deduction in the shape of poundage. That deduction amounted to a shilling in the pound, and it was deducted not from the subsistence portion of the pay—sixpence a day—but from the portion paid to the colonel of the regiment. When Chelsea and Kilmainham Hospitals were erected, this deduction of poundage was appropriated in England and Ireland to the purpose of the institutions; but he had shown that this was not paid in any way by the soldier, since it came from that portion of his pay which did not pass through his hands. But even suppose it had been so paid, this could only apply to soldiers enlisted not later than 1771, because after 1793 or 1794 all those poundages were entirely given up, and the payment was thrown on the public. But with respect to this question of Kilmainham Hospital, when it was first instituted, it was contemplated that there were to be private funds available for its maintenance, and he believed the Charter was drawn up in the belief that funds would be subscribed by individuals, and placed at the disposal of the Governor. The sum calculated upon was 6,000*l.* a year, and the Charter was so worded as to give the Governor the administration of the whole of those funds. There was also granted to the institution a space of land extending over sixty-four or sixty-five acres. He admitted fairly to his hon. and gallant Friend that this portion of ground, together with the buildings erected thereon, was inalienable, except by Act of Parliament; but it was very different when the question related to the continuance of expenses incurred by the public for the maintenance of those establishments. Any Government which was of opinion that establishments for the maintenance of indoor pensioners should be discontinued, had nothing more to do than to omit from the Estimate any Vote for the purpose; and if that Vote had been omitted in the Estimates of the present year, it would have been quite incompetent for any Gentleman to propose to vote a sum of money for the maintenance of those institutions, and they would die a natural death. For his part, however, he was impressed with the belief that the British soldier infinitely preferred spending his pension in the bosom of his family or friends, in the locality to which he belonged, to being placed at Kilmainham and Chelsea, in a situation where he was bound down by rules and regulations as stringent nearly as those of active service. It was said that the abolition of the Hospital would be an injury done to the city in which it stood. It was natural that those who had long been familiar with such institutions should see them pass away with regret; but it was a hopeless case to endeavour to maintain institutions, however advantageous they might be to the localities in which they stood, after their usefulness had passed away. If the soldiers were themselves desirous of maintaining Kilmainham Hospital, he should be the first to advocate its continuance; but they were aware that it was kept up more for show than for any other purpose. It was occupied at this moment, for the greater part, by officers high in rank, entirely unconnected with the institution; and instead of advancing the professed objects of its existence, he thought the public would be justified in calling for its abolition. It was, however, not proposed to remove from that establishment a single individual fairly entitled to its benefits; all he had done was, to intimate to the Governor and Commissioners, that in future no admission should take place into the Hospital without his (Mr. Fox Maule's) knowledge, he being the person entrusted with the expenditure of the funds voted by Parliament. It was his conviction, that he was not proposing anything unpopular with the Army, in proposing to restrict the further admission of pensioners to Kilmainham Hospital.

Sir De LACY EVANS said, the two grounds which the right hon. Gentleman put forward for the proposed change were, those of economy, and of its not being popular with the Army. The principal cost incurred in both establishments was from retirements to officers of high rank, granted on account of their services during the last war, and totally unconnected with the maintenance of the private soldiers. Deduct those allowances, and it would be found that both establishments were extremely economical, especially the Irish one. He denied that these establishments were kept up merely for show. Who that had visited Paris doubted the policy of keeping up the Hotel des Invalides? And yet that institution did not provide for the whole of the pensioners of the French army no more than did Kilmainham and Chelsea for the whole of ours. No establishment would accommodate the 80,000 pensioners of our Army, and it was right that arrangements should be made for allowing those who desired it to reside in the country; but there were, nevertheless, associations connected with these institutions which should not be broken in upon. He admitted that the great majority of pensioners preferred to be out-pensioners; but still he thought that the 500 or 600 men in Chelsea, and the 200 or 300 in Kilmainham, who, aged and infirm, but covered with honourable wounds, preferred to reside in these establishments, should not be deprived of these refuges of their old age, because a saving of 2,000*l.* or 3,000*l.* a year could be effected by giving up these establishments. The right hon. Secretary at War was inconsistent with himself, for while his arguments applied equally to Chelsea Hospital as to Kilmainham Hospital, he had stated in his evidence before the Committee that he had no intention to abolish Chelsea Hospital.

Colonel RAWDON said, that there was more to be considered in this case than economy. His right hon. Friend the Secretary at War had talked of the superior comfort which the out-pensioner met with at home, but he thought that was partly attributable to the bad management of these institutions. These institutions were established by the Monarch as a sort of monument of the glorious deeds of the Army; and as it would be a very unpopular proposition in England to abolish Chelsea Hospital on the score of economy, so there was a very strong public opinion in Ireland against this proposal to abandon Kilmainham Hospital. What would be the feeling of the people of England if it was proposed to abolish Greenwich Hospital? He had supported the Government as an independent Member; but confidence must have its limits, and if Government, on a mere abstract principle of saving a few thousands a year, persisted in carrying forward a measure in defiance of public opinion in Ireland, they could not expect that their Irish friends could any longer support them.

LORD NAAS said, that as the answer of the right hon. Secretary at War was based on the principle that he was about to do away with in-pensioners, he begged to ask him if he had issued a similar order with respect to Chelsea to that which had gone to Kilmainham? If this order of the Government was based on the principle of doing away with the system of in-pensioners altogether, he thought that that should be done contemporaneously in Ireland and England, and that no preference should be shown to Chelsea over Kilmainham. Notwithstanding it had been stated by the right hon. Gentleman that the Irish Army did not pay to the maintenance of the Kilmainham Hospital, it would be found on reference to the Charter, a copy of which was to be found in the Parliamentary paper he held in his hand, that at the time the Charter was granted to Kilmainham Hospital, a poundage of 6*d.* in the pound was levied upon the pay of the Irish Army for its support. It was so supported up to 1794, when the Government decided that this poundage should be levied no longer. This was nothing more nor less than another attempt at centralisation—that baneful system from which Ireland had on many occasions so deeply suffered. The feeling in Ireland was as strong now against the abolition of this Hospital as it was when a similar measure was proposed in 1833. This was the only opportunity they should have of protesting against this flagrant act of injustice; and he hoped, therefore, that the House would pause before it negatived the Motion of his hon. Friend the Member for Portarlington.

MR. FOX MAULE said, that the authority on which he stated that the Irish soldiery were not called upon to pay anything to the maintenance of the establishment at Kilmainham was a speech of the Irish Chancellor of the Exchequer in 1796, when he was bringing forward the vote for this Hospital. He then said

—"that this would not be an increase in the expenditure, because it was in lieu of the sum heretofore paid by the soldiers to the support of that hospital, but repaid to them in another way; the military then received their full pay by another arrangement, and while it was the same thing to the expenses of the country, it was more satisfactory to the soldiers, who imagined that because their daily advance was less than their nominal pay they were unfairly dealt with."

MR. REYNOLDS said, he wished to know by what authority the right hon. Secretary at War forbade the further admission of inmates into Kilmainham Hospital? He believed that he had no authority in law, as he certainly had none by the Charter. The Hospital at Kilmainham was very popular with the Irish soldiers, who were at least one half of the British Army. He had heard the number of Irish soldiers in the British Army estimated at 40,000 or 50,000 some years since. He thought that some consideration should, therefore, be shown the feelings of the Irish soldiers. Were they not, after fighting for their country, and losing their legs, arms, or health in her cause, to have no sanctuary in their old age? It was not economy, but centralisation—a desire to deprive Ireland of every vestige of her ancient honour and nationality—which was at the bottom of this measure. The right hon. Secretary at War would not venture to transfer the English warrior to Kilmainham; and why, therefore, did he propose to transfer the Irish warrior to Chelsea, when he had enlisted in the Army almost on the understanding that he would have this sanctuary in his old age? He appealed to the generosity of the Irish and Scotch Members not to permit this aggression on Ireland.

SIR H. VERNEY said, that the assertion that this measure was an insult to Ireland on the part of the Government was quite unfounded, because it was clear that the arguments of the right hon. Secretary at War applied to Chelsea as much as to Kilmainham. He, however, believed that this measure was much disliked both by the soldiers and the people of Ireland. He believed that the hon. Member who spoke last was near the truth when he said that nearly half the soldiers in the Army were Irishmen. A friend of his made a bet with the late Duke of Gordon when Marquess of Huntly, that half the men in the 42nd

Highlanders were Irish, and he won it; and this was a regiment which was supposed to be the most exclusively Scotch in the service. He knew that Chelsea Hospital is now, or at least was twenty years ago, one of the most popular institutions connected with the Army. He thought that when his right hon. Friend proposed to reduce these establishments, he should consider the feelings of the Irish soldiers; the more so as they were taken from a superior class to the English soldiers.

Mr. HUME thought that the right hon. Gentleman the Secretary at War had been unfairly dealt with on the present occasion. He did not see why they should go to the expense of keeping up those Hospitals, when they could not get individuals to fill them. There was a strong disinclination on the part of retired soldiers to go into Chelsea Hospital. That was the case with respect to Chelsea, and if a proposition was made to do away with Chelsea Hospital, he would vote for it. He believed that the comforts of the soldier could be better provided for elsewhere. He did not think that this proposition and the proposition for the abolition of the Lord Lieutenancy were at all analogous. He denied that there was any insult offered to Ireland in abolishing the Hospital at Kilmainham. He believed that his countrymen did their duty in the Army—and yet Scotland did not feel that she was insulted because she had not a military hospital. The Government were acting wisely in reducing the military expenditure, and applying it to other purposes. He hoped hon. Gentlemen would not allow themselves to be led away by their feelings, and that they would see the folly of keeping up military hospitals which they found it difficult to fill.

Mr. W. WILLIAMS said, that there were only 175 men in Kilmainham Hospital, and there were forty-six officers over them, including seven nurses and four assistants. The whole cost was 8,600*l.* a year, and out of this the officers cost 2,892*l.*

Lord J. RUSSELL said, that before the House divided he wished them to consider the result of the Vote to which it was proposed that they should come. The House was pleased two years ago to refer the question of the Naval and Military Expenditure to a Committee of the House. The Committee had sat for two years, and it was again reappointed in the present year. That Committee had not yet made their Report on this subject, and therefore he did not think it would be advisable for the House to come now to a decision respecting the abolition of Kilmainham Hospital, more particularly as they had referred the question to a Committee. The hon. Member for the city of Dublin had made a statement which was very little to the purpose, when he said that the Irish army were very much interested in this question, because there was now no separate Irish army, and an Englishman or a Scotchman, if he served in Ireland, might be placed in Kilmainham Hospital, and the Irish soldier might be placed in Chelsea Hospital. The hon. Member was, no doubt, actuated by a desire to serve the city he represented; but much as they had heard about Irish distress, he did not believe that the loss of an annual expenditure of some 7,000*l.* or 8,000*l.* would be a matter of very great importance to Dublin. The Army Estimates were not to be formed with reference to local expenses or local possessions. If a garrison were required for the national purposes of the United Kingdom at Plymouth, Portsmouth, or Cork, it would be established at one or other of those places; but if the necessity for it had passed away, it would be absurd to argue that it ought to be continued as a charge upon the country, simply because it might be conducive to the wishes or interests of the people of Plymouth, Portsmouth, or of Cork, that the garrison should not be abolished. He agreed with the hon. Member for Montrose that the time for these institutions had gone by. Formerly they were looked upon as comfortable retreats, but since the system of out-pensions had been established, they were much less sought after. With regard to this particular question, it was to be recollected that only a small portion of the pensioners were received in the Hospitals of Chelsea and Kilmainham; by far the greater number preferring to go as out-pensioners amongst their friends and relations. It was quite right that they should keep up Hospitals for those persons who had not friends or relations to take care of them, and who were not able to do anything for themselves elsewhere to increase their comforts. But that was only a small portion of the Army. Now, as regarded the comforts of the pensioners, both English and Irish, who served in the Army, it should be recollected also that a few years ago the Government proposed to give the benefit of certain deductions to the pensioners, by which they got an addition of 50,000*l.* a year, which was charged to the country in the Army Estimates. That was an addition concerning the comforts of those who served in the Army. But with regard to the question, it concerned but a small number of soldiers. There were but from one hundred to two hundred pensioners to receive the benefit of the Hospital at Kilmainham, and the question was, whether they were to provide for the in-pensioners one or two establishments — the great expense of these establishments arising from the officers and governor, and not from the number of men in them. These were questions which would be fairly considered by the Committee. But, at all events, he thought that the House ought not to prejudge the question — and he did not think the House would be wise in saying that they ought to adopt economy, and when they attempted economy, not to approve of it.

Mr. DISRAELI said, that the noble Lord had put this question on the ground that a Committee was sitting upstairs, and that it would not be wise in the House to come to any decision in this matter till that Committee had reported. But the right hon. Secretary at War had already decided. That Committee also was appointed at the instance of the Government, and not at the instance of the House, as stated by the noble Lord. He looked upon this as a question of the same nature as the question for the abolition of the Lord Lieutenancy, though it was of smaller proportions. The question seemed to him to be whether they were to have a great system of centralised government, or whether they would retain their local institutions.

Mr. FOX MAULE said, that what he had written to Dublin was, that no vacancies in Kilmainham Hospital should be filled up without a communication being had with him. He had since received communications with respect to two vacancies which he deemed it essential should be filled up, and they had been filled up.

Mr. W. MILES thought the Motion of the hon. and gallant Member for Portarlington premature. The Estimates had been before the Committee of the House for the last three years. He had asked the Government the other night whether it was their intention to call together the Committee for the purpose of their making a Report, and the answer he received was in the affirmative. It was therefore, he thought, premature to discuss this question until that Report was received. He would not say one word respecting Kilmainham Hospital except this: he believed that if the soldiers were given their option of remaining at Kilmainham or coming over to Chelsea, very few would be desirous of remaining at Kilmainham. It became then a question for our consideration whether it would not be necessary on the score of economy to make this change. He could not press this question of economy too much on the House at the present time. Chelsea Hospital had full accommodation for the reception of all those who wished to come there.

Question put, " That the words proposed to be left out stand part of the Question."

The House divided :—Ayes 137 ; Noes 105: Majority 32.

Mr. HUME said, he must press upon the Government the propriety of making the financial statement before any more of the supplies were granted. He knew the whole country was anxious for it. There was not a town throughout the United Kingdom that did not expect it; and when such anxiety existed on the subject, he asked the House to agree with him in declaring that they would not vote any more supplies until the financial statement was brought forward. The statement must have been prepared ; it could not possibly be that the Government had not made up their minds what they would do; and if so, why delay one hour in bringing it forward? Whether there was a pledge or no pledge, the understanding certainly was, that before the Government asked the supplies, the financial statement should be made. The Government had had two or three weeks for consideration, and there was no reason why it should not be made before they got any more money. He might be told that the 15th of April was approaching, and that the Mutiny Bill must be passed; but there would be no difficulty in passing the Mutiny Bill when the financial statement was made. He would therefore propose that the House should not proceed to Committee of Supply until the financial statement had been made.

Mr. SPEAKER said, the hon. Member could not make that Motion, as the House had decided that the question, " That Mr. Speaker do now leave the Chair," stand part of the Question.

Lord J. RUSSELL was very sorry that there had been any misunderstanding with the hon. Member for Montrose on this subject; but he had always considered it to be understood that the Estimates were to be taken immediately after the conclusion of the late Debate. If the Budget were introduced then, his right hon. Friend the Chancellor of the Exchequer would have to enter into a considerable amount of explanation, a Debate would arise, and the Government would be precluded from proceeding with what was most important, the Army Estimates.

Mr. HUME said, if the Government would bring forward the statement on Monday, he would withdraw his opposition.

Lord J. RUSSELL declined to pledge himself to any arrangement of that nature.

Colonel SIBTHORP then rose to bring forward the Motion of which he had given notice—

> "To call the attention of the House to the Treasury Minute authorising an additional grant of 500*l.* per annum to the present salary of the Chairman of the Board of Inland Revenue."

He said that there were two kinds of economy—real and false. The gentleman to whom this additional 500*l.* a year was granted, was, no doubt, a very able and efficient officer. We have had a Treasury Minute—what was that? It was nothing more nor less than a dirty, secret mode of appropriating money taken out of the pockets of the people. The Chairman of the Board of Inland Revenue was undoubtedly a most excellent officer, but he thought he was very well paid for his services by a salary of 2,000*l.* a year. He had no feeling of private animosity against the Chairman of the Board of Inland Revenue. On the contrary, he believed him to be a most estimable public officer, but he protested against this mode of appropriating the public money. The salary which that individual received was, no doubt, adequate to his services, and the addition which it was now proposed to give him was another of his (Colonel Sibthorp's) right hon. relation's jobs. He had no language in which he could, with propriety, describe his contempt for the right hon. Gentlemen who occupied the Treasury bench. The people of England were oppressed by such Treasury Minutes as these. He hoped the day was not far distant when such a Government, who were neither influenced by a principle of public economy nor regard for the people, would be forced to resign their places in favour of a wiser and abler body of men. The present members of the Government had only one wish, and that was to keep their places as long as they could. They were at present supported by a most miscellaneous body of Members upon their side of the House, but their reign was nearly at an end.

The CHANCELLOR of the EXCHEQUER said, he felt very much obliged to his hon. and gallant Relative. He must in the first place thank him for the expressions which he had used in reference to himself, and still more must he thank him for the testimony he had borne to the merits of an individual whose conduct was known to the House. Whatever might be his hon. and gallant Friend's opinion of the Government, he was glad that he bore witness to the merits of Mr. John Wood, for a more deserving officer did not live. He (the Chancellor of the Exchequer) was glad an opportunity had been given him to state what the whole arrangement entered into was, of which this only formed a part. It was not quite fair to single out one particular measure without taking into consideration the whole arrangement. Without the able assistance of this gentleman, he (the Chancellor of the Exchequer) could not have effected so large a reduction in the public expenditure as the Board of Inland Revenue had enabled him to do. Many years ago the Boards of Stamps and Taxes were consolidated, by which a great saving in the public expenditure was effected. About four years ago he had carried into execution a further consolidation of the Board of Stamps and Taxes with the Excise, forming a Board of Inland Revenue, by which a still further saving of a large amount was effected. He said most distinctly that if it were not for the great exertions of Mr. John Wood he dared not have undertaken that great consolidation. It was doubted much whether such an arrangement could be carried into effect. It was, however, owing to the zeal and exertions of Mr. John Wood that it was ultimately effected. The effect of the whole consolidation of these boards was to cause a saving to the public of about 250,000*l.*, and the reduction of about 2,000 officers. Surely 500*l.* a year was not too much to grant as a reward to the gentleman who was mainly instrumental in effecting this desirable result. If the House of Commons was not prepared to reward persons for such valuable services, they could not expect that those reductions could be carried into execution. There were twenty-nine officers reduced; the lowest salary enjoyed by any of them was 300*l.* a year, and the highest 2,000*l.* The reduction thus effected was 22,900*l.* a year. It would not, of course, be fair to take this additional duty without additional remuneration. Surely that was not a very unreasonable principle to lay down. He was prepared at the time to give an additional allowance to Mr. John Wood for this additional labour; but that gentleman objected to take it until it was proved that he was the means of effecting these arrangements, and that the Government were fully satisfied with what he had done. A period of about three years had gone by, and the benefits of the exertions of that gentleman had been fully demonstrated. He, therefore, felt it a duty he owed to the public to reward Mr. John Wood for the essential services which he had thus rendered to the public.

Mr. BROTHERTON thought that there was no stronger feature in real economy than a well-timed liberality. He had known Mr. John Wood for about twenty-five years, and he bore testimony to all the right hon. Gentleman the Chancellor of the Exchequer had said respecting him, having watched his conduct closely during all that time. He believed him to be a very valuable public servant.

Mr. WAKLEY said, that when it was announced that the Government intended to bring forward their Budget very early in the Session, the greatest satisfaction was experienced. The right hon. Gentleman did bring forward his Budget, and, unhappily, it gave satisfaction to only a few. Some time had now elapsed since it was announced that some new financial arrangement would be proposed. He concurred in the views expressed by the hon. Member for Montrose. He hoped that the right hon. Gentleman would appoint Monday next for that statement.

Sir De LACY EVANS also expressed a hope that the Government would give a promise to bring on the financial statement on Monday.

Mr. SPEAKER having put the question for going into Committee, a division was called for by Mr. Hume, but no division took place.

Mr. HUME could only say that he, and a great many near him, were of the opinion he had expressed; but if such was not the general understanding, he would not press the question to a division.

Main Question put, and agreed to.

Motion withdrawn.

SUPPLY—ARMY ESTIMATES.

House in Committee of Supply; Mr. Bernal in the chair.

Mr. FOX MAULE said, he had now, for the fifth time, to ask the House to vote the necessary sums to provide for the expenditure of the Army during the ensuing year. In former times considerable constitutional jealousy existed on the part of the House with reference to the standing army proposed to be maintained, but that feeling had been superseded by a very just feeling of national pride regarding the services, the conduct, and the discipline of the Army of this great country. He had no wish to disparage the troops of other countries, or exalt unnecessarily those of our own; but he would make bold to say that there was no army in the world more remarkable for its discipline, more patient under privation, more gallant in the assault, or more steady under fire, than the British Army. It was for the Government to state what, in their opinion, the number of men should be; but whatever opinions might be held upon this point, there was no economist near him who could bring forward or substantiate one single charge of bad discipline against the Army, or of failing to do their duty to the country when called upon. With respect to the strength of the Army, it was always the duty of the Government to keep the amount of force at what they considered the lowest possible point consistent with the exigencies and honour of the country; and it did not appear to his colleagues or himself that during the ensuing year they could propose, with any due regard to the public interest, that a smaller number of men should be maintained during the year ensuing than during that just past. He, therefore, should propose that the Committee should vote for the present year 98,714 men, being within 414 of the number voted last year. A reduction to a certain extent took place last year, but he was told on that occasion that it was partial, and confined to men in the ranks, and that the Government had not made a proportionate reduction in the number of officers. This year the decrease of 414 consisted of 101 officers, 25 non-commissioned officers, and 288 rank and file. Among that number would be found the office of Colonel-in-Chief of the 60th Regiment, which was filled by the late Duke of Cambridge, but which appointment, upon the recommendation of the Committee upstairs, had been abolished. The force of 98,714 men was distributed into two parts—the regiments who were serving at home, and those abroad. The force serving within these islands amounted to 59,598, while

39,116 were in the Colonies. One of the great arguments for keeping up an effective force at home was in order that a well-regulated system for relief to the soldiers serving abroad might be maintained. This principle was laid down several years ago by his predecessor (Mr. Sydney Herbert), and by the head of the last Government, and this improved system of relief, which had greatly reconciled the Army to serving abroad, he had endeavoured to maintain during his administration. By this means the term of service abroad had been reduced to ten years abroad, followed by five years at home, for the "inner service," as it was called; and to fifteen years abroad, and seven years and a half at home, for regiments serving in India and the more distant Colonies. The number of Her Majesty's troops in India was 30,497, and, although they were not included in the vote for 98,714 men, and although the House and the country did not pay for them, yet these regiments drew upon the system of relief. He maintained beyond this that it was reasonable the Government should have at their disposal for exigencies and for emergencies a certain amount of force, because, without running a race of military numbers with foreign Powers, it did not become this country, with such vast wealth to protect, and with such enormous interests at stake, to be altogether denuded of military force, and to be unprepared for any turn that affairs might take in foreign countries, and for the altered circumstances in which we were placed since the introduction of steam. The first vote being for the number of men, the second was for the maintenance of the Army, and this led him to state the amount of reductions made in the charge for the Army in consequence of the evidence taken before the Committee on the Army Estimates. In the first place, he proposed last year that the double battalion system should be done away with. To a great extent that reduction had been adopted, and a saving had accordingly been effected in the reduction of the depôt battalions of 2,298*l.* The next saving was one *in prospectu*, being an allowance of 500*l.* a year, drawn by the late Adjutant General, the payment of which to the present Adjutant General would be discontinued whenever it should please his Grace the Commander-in-Chief to bestow the colonelcy of a regiment on that officer. Since the last estimates a change had been made in the department of the Quartermaster General, and a saving of 789*l.* per annum had been made in the new arrangements. In the Army Medical Department the service had lost by the retirement, not, he was happy to say, by the death, of Sir James M'Grigor, an officer to whom the public were much indebted. In consequence of his retirement at the age of eighty-one, reductions had been effected in that department amounting to 1,085*l.* a year. In the Medical Staff of the Army the reductions made amounted to 1,414*l.* a year. The Committee upstairs went very largely into the question of the Staff in Canada, and the Government had been able to reduce five officers and some other expenditure, amounting altogether to 1,540*l.* a year. Then the office of Deputy Judge Advocate for Ireland had been discontinued, the saving thereby being 398*l.* a year. The whole saving that would be effected in consequence of the labours of the Committee on Army Estimates was 8,024*l.* The sum asked for on account of Vote No. 2 of these Estimates was last year 3,562,430*l.* This year (1851-52) the charge for the land forces was 3,521,069*l.*, making a decrease of 41,361*l.* This decrease was spread over such a vast variety of small items that he would not detain the Committee by recapitulating them. But he would take this opportunity of noticing some of the special sums voted for certain Estimates in which the House of Commons took a very deep interest. The first was good-conduct pay, a system which was commenced under the warrant of his right hon. Friend (Mr. Sydney Herbert), and in which in the present Estimates there was an increase of 4,599*l.* It must always be satisfactory to every one who had the interest of the Army at heart to see this increase going on, for rely upon it that it would be far better economy to have an increase in this Vote for rewarding the good soldier, than be at the expense of finding means for punishing the bad. The next increase was in the lodging-money for married soldiers, in order to put an end to the practice of making the married and unmarried soldiers sleep in the same room in the barracks. Last year he proposed that each soldier who availed himself of the permission granted by his commanding officer should receive 1*d.* per day. Now, he was quite aware that this allowance was inadequate, and this year it had been doubled. Although 2*d.* a day seemed a small sum to provide a married soldier with a lodging out of the barracks, he felt quite sure it would be found adequate for the purpose. And it would be found much more adequate if a hint thrown out recently by a military paper were adopted, and if philanthropic officers or gentlemen connected with the Army would enter into some arrangement, either by public company or otherwise, to construct model lodging-houses for the married soldiers. That would be one of the greatest boons that the soldiers could receive, and he believed that it would be a most excellent investment. The charge for lodging-money in the present estimates was 8,000*l.*, being an increase of 4,000*l.* over last year. He now came to the subject of schools. He was happy to say that the schools for the Army were flourishing beyond his most sanguine expections. They were established in 1846 by his right hon. Friend (Mr. Sydney Herbert) under the Royal warrant, and they had gone on increasing in prosperity during the last five years. Students were first admitted to the normal school in 1847. The period of training was about two years. The first appointment was made in 1849, and since that period four garrison and 30 regimental schoolmasters had been appointed, with 13 assistant schoolmasters. At present there were 34 trained masters and 11 assistant masters in the regimental schools of the Army. And, although this was at first looked upon as an innovation, they could not now keep pace with the demand which was made upon them for schoolmasters for regiments; and he was happy to say that the thirst among the men for education was commensurate with the desire of the officers to provide it. The House was aware that steps had been taken by his Grace the Commander-in-Chief to ascertain the quantity of knowledge possessed by those who gained a commission in the Army, and that it had also been determined that an examination should take place until the officers took the rank of captain. But, at the same time, he must tell the House that he believed they would be called upon ere long to provide some means by which the officers of the Army would be enabled to obtain the quantity of knowledge which was required from them before they were allowed to hold the rank of captain. That examination was a severe one, although he did not think it was too severe; but it would be too severe if the House did not supply the officers of the Army with the means of obtaining the knowledge that was necessary. He saw no other way of accomplishing the object except by attaching to each regiment a captain without a company, who should be called the Captain of Instruction. If this was done, he believed that it would be the means of inducing the officers to devote a great deal more of their time to study than they did at present, and lead every officer to do his best to qualify himself for examination. The next item to which he had to call the attention of the House was also connected with the diffusion of knowledge in the Army—he meant the libraries. He was happy to state that an increase in the number of subscribers to the libraries had gradually been going on since the commencement of the scheme in 1840. There were now upwards of 100,000 volumes in the regimental libraries, and about 16,000 subscribers. The accounts of the regimental savings banks also, he was happy to say, tended to show the increased prosperity of the Army. In 1844 the number of depositors was 1,890, and the funds amounted to 14,849*l.* In 1850 the number of depositors was 7,859, and the funds amounted to 94,961*l.* These facts afforded a gratifying proof that the liberality of the House in promoting the interests of the Army was not thrown away; and he was quite sure that, however much the House was disposed to study economy in all the proper branches, they would never think of grudging what was necessary in this department. He now came to the third Vote, which was a Vote on account of the staff. He was happy to be able to state, that the reduction in this Vote came to within a few pounds of 5,000*l.* The decrease in the home staff amounted to 1,245*l.*, the decrease on the staff abroad was 3,739*l.*—making together 4,984*l.* He now passed to the public departments, and here there was a slight increase of 63*l.* There was a total increase on the civil department of 1,911*l.*, but that was balanced by a decrease in the military department of 1,848*l.*, leaving, as he had said, a slight decrease of 63*l.* The Vote for the Royal Military College was much the same as last year, the increase being only 6*l.* The next Vote to which he would draw the attention of the House was that for the Royal Military Asylum and Hibernian School. In this there was also a small decrease of 641*l.*, arising, not from any decrease in the efficiency of those institutions, but from the cheapness of provisions and other sources. The next Vote was for the yeomanry or volunteer corps. Upon this there was a decrease of 16,000*l.* He was quite aware that some of his hon. and gallant Friends, eminent Members of this useful establishment, were rather angry with him because this Vote had been reduced so much; but he begged to tell them that they ought to "lay this flattering unction to their souls," that it was the greatest compliment that he could pay to that force, because the reduction arose solely and entirely from the circumstance that the force had been found in so perfect a state of order and discipline as to enable the authorities to dispense with their inspection oftener than once in two years. Those seven Votes were for the effective services of the Army. The whole expense of the effective services, in 1850 – 51, amounted to 3,936,582*l.* The estimated expense for the year 1851 – 52 was 3,873,666*l.*, being a decrease of 62,916*l.* With the exception of the slight increase of 63*l.* for the Public Departments, and of 6*l.* for the Royal Military College, there was a decrease upon every other item. The next class of Votes was called Votes for the non-effective services. The first of these was the Vote for rewards to Officers for long services. In 1850–51 this Vote amounted to 15,112*l.* This year it amounted to 14,606*l.*, showing a decrease of 506*l.* These rewards arose, as the House were aware, from the proceeds accruing from the vacancies in the old garrison appointments, two-fifths of which were apportioned as rewards for distinguished military services, and the other three-fifths went to the public Exchequer. The vacancies which had occurred during the year were rather considerable. They were Carisbrooke Castle, 173*l.*; Governor of Scarborough, 15*l.*; Governor of Berwick, 568*l.*; Garrison Quartermaster of Malta, 136*l.*; and a Lieutenant-Governor of Edinburgh Castle. The next Vote was that for the army pay of general officers. For 1850–1 there was required for this purpose the sum of 58,000*l.* This year there was required the sum of 52,000*l.*, making a saving of 6,000*l.* Eighteen had been removed from the list; eight of these had died, and ten had got regiments. Two had made good claims to be placed upon the list; and, when speaking upon this Vote, he must be allowed to say, that the number of general officers receiving army pay had never been so low as at this moment. The Vote for the full pay of retired officers in 1850–51 was 54,500*l.* The sum asked this year was 52,500*l.*, showing a reduction of 2,000*l.* He now came to the half-pay. The Vote required for this purpose last year was 386,000*l.* This year it was 377,000*l.*, being a reduction of 9,000*l.* He had stated to the Committee upstairs, and he would now repeat, that there was no branch of the public expenditure which the Secretary at War watched with greater vigilance than he did the half-pay list. He would show the Committee, when they came to discuss the individual Votes, the extent to which it had been reduced. He would content himself, however, with stating at present that during the past year 237 officers had died or been removed, and that 126 had been put on, making a reduction on the whole of 111 officers. Of course, after a certain period of active service, officers were entitled to a retirement, and it would be ungenerous to refuse them that boon; but, at the same time, he felt that for a considerable time to come this ought to be a decreasing Vote, and that the number of Officers on half-pay ought to bear a due and fair proportion to those who were maintained on full-pay. The next Vote was for foreign half-pay—a vote which of course would be eventually extinguished. For 1850–51 this vote was 42,200*l.*, this year it was 38,993*l.*, showing a decrease of 3,207*l.* During the year there had died 26 half-pay officers, 5 who had pensions for wounds, 3 widows, and 3 children, making in all 37 persons. Of course there would be no addition to the foreign half-pay. The Vote for Widows' pensions in 1850–51 was 126,536*l.* This year it was 122,717*l.*, making a reduction of 3,819*l.* During the year 85 widows had been removed from the list, and 13 placed on; making a decrease of 72. The Vote for compassionate allowances in 1850–51, was 91,000*l.* This year it was 88,500*l.*, making a decrease of 2,500*l.* The number of cases had decreased to the extent of 59. The next Vote had reference to the subject which they had been discussing that evening; he meant the Vote for Chelsea and Kilmainham Hospitals. The Vote for 1850–51 was 35,756*l.*; for this year it was 35,413*l.*, being a reduction of 343*l.* The decrease on Chelsea was 480*l.*, and the increase on Kilmainham 137*l.* The decrease here also arose from the difference in the price of provisions. He now came to what was always a large Vote—viz., the Vote for out-pensions. In 1850-51 the Vote amounted to 1,233,711*l.*; this year the sum required was 1,233,050*l.*, showing a decrease, he was sorry to say, of only 661l. The number of out-pensioners who had died during the year was 677; the decrease on the charge was 6,242l., the increase 5,581l.,—difference, 661l. The increase arose as follows:—5,000l. less deducted for casualties, 70l. for staff officers in Australia; 500l. for organisation of pensioners in Canada; and 11l. for superintendent of black pensioners, making altogether 5,581l. The last Vote was superannuated allowances. In 1850–51 this Vote was 40,000l., this year it was 37,500l., making a decrease of 2,500l. On the non-effective services there was a decrease in every item; and the total decrease was 30,536l. The increase and decrease on the whole Estimates, as between this year and last, were as follows:—In 1850-51 the charge for the effective services was 3,936,582l.; in 1851-52 it was proposed to be 3,873,666l.; decrease, 62,916l. In 1850-51, the charge for the non-effective services was 2,082,815l. This year it was proposed to be 2,052,279l.; decrease, 30,536l. The total charge for both effective and non-effective services in 1850-51 was 6,019,397l.; for this year it was proposed to be 5,925,945l.; making a decrease of 93,452l. Next year, being Leap-year, the one day's extra pay would occasion an increase of 12,454l., otherwise the decrease would have amounted to 105,906l. Such was the general state of the Votes which he had to propose to the House. But he could not quit the comparison without noticing the comparison of the present year with that which his hon. Friend the Member for Montrose considered as the *beau ideal* of low Estimates—he meant the year 1835. He was happy to be able to state to his hon. Friend, that with a very much increased force, and taking into consideration the whole military expenditure, both for the Army and the Militia, the result was that there was a much smaller charge this year for the Army and Militia of the United Kingdom than there was in 1835.

In 1835–6, cost of Army service ……	£5,907,782
„ cost of Militia service……	218,861
Total ……………	£6,126,643
In 1851–2, cost of Army service ……	£5,925,945
„ cost of Militia service……	107,850
Total ……………	£6,033,795

Thus making a decrease, as compared with 1835-36, of 92,848l.; while, on the other hand, there had been an increase in the force of 17,443, the number voted in 1835-36 having been 81,271, and the number proposed for this year 98,714, besides 29,000 veteran soldiers ready to come forward to defend their country when called upon. He thought it was a gratifying result that with due economy in all other branches the Government had been able in 1851 to show a decrease in the charge for the military services of the country, as compared with 1835-36, of 92,848l., and at the same time an increase of the force to the extent of 17,443, besides the large body of veterans he had referred to. He thought it only fair to ask the Committee to indulge him with a short statement of the result of the Army administration from 1847-48 to 1851-52 inclusive. It was so far fortunate, on comparing the first year that he had the honour of proposing the Army Estimates with the present, to find that the force in India was precisely the same. It was quite true that they had been different in the interims, some regiments having been sent home, as he thought, inconsiderately, because they had to be sent back the next year. The results were these:—

Number of men, excluding India, 1847	108,398
„ „ 1851	98,714
Decrease …………	9,684
Effective charge, 1847 ………………	£4,182,071
„ 1851 ………………	3,873,686
Decrease …………	£308,385
Non-effective charge, 1847 …………	£2,175,227
„ 1851 …………	2,052,279
Non-effective decrease ………………	£122,948
Effective decrease ……………………	308,384
Total decrease …	£431,332

If they went through the number of entirely new charges which had been added during the last few years, it might swell the comparison to a much greater extent; but he forebore doing so. He only wished to show that wherever economy could be practised, the Government had been disposed to practise it, and that the result during his administration of the affairs of the Army had been such as the House had just seen. One word before he sat down with respect to the discipline of the Army. He was happy to state that, from whatever cause, whether from the increased rewards of good conduct or otherwise, the number of corporal punishments was steadily, he might say rapidly decreasing. In 1848 there were 520 punishments; in 1849, 475; in 1850, not including twenty-seven regiments which made no return, 241; and including those twenty-seven regiments upon the average of the rest, 330. This was very gratifying, and while he hoped that the House would never do away with the power of administering the punishment, he trusted that all that was possible would be always done to prevent its infliction. You might do away with the necessity of inflicting it by judiciously-applied rewards for good conduct and other similar means. The last point to which he would refer was that of mortality in the Army, and he was happy to be able to state that, as a general fact, the mortality in the Army had of late very much decreased. During the prevalence, for example, of that most fatal disease, cholera, in Jamaica, while all the other portions of the population, white and black, fell victims to the malady in all directions, the military, owing to the precaution taken of fixing their barracks high up on the mountains, altogether escaped the pestilence. In reference to the army in Jamaica, he might here state, whereas for some years previous to 1836, when the sanitary regulations there were greatly improved, the proportion of mortality in the army was 128 per 1,000, the proportion had since fallen to 14 per 1,000. In fact, he might state that, with the exception of some two or three especially unhealthy localities, and of Canada and the East Indies, the mortality in the British troops abroad was not greater than it would be at home. Such was the report which he had to lay before the Committee, and he trusted it would be conceded that he had consulted economy to the fullest extent that was consistent with the service and dignity of the country, and the proper relief of our troops abroad. He had not scrupled, and never would scruple, to propose any increase of expenditure necessary for the welfare of the soldier; but at the same time he never would countenance unnecessary expense. He had weighed every item with the most scrupulous care, making reductions wherever reductions could be made, consistently with the public service, the national dignity, and the honour and character of that Army to which it had once been his pride to belong; an Army which he considered to be one of the very best in the world, and which, in peace or in war, was ever prepared to manifest its loyalty to the Sovereign and its devotion to the State.

Motion made, and Question proposed—

> "That a number of Land Forces, not exceeding 98,714 men (exclusive of the men employed in the Territorial Possessions of the East India Company), Commissioned and Non-Commissioned Officers included, be maintained for the Service of the United Kingdom of Great Britain and Ireland, from the 1st day of April, 1851, to the 31st day of March, 1852, inclusive."

MR. HUME was gratified not less than the right hon. Gentleman at the economy which had taken place in the Army of late years. The economy had been of the most practical character, for they found that while the charges had decreased, the available force at the disposal of the country had been greatly increased. He had gone carefully over the returns of all the departments, and he was glad to perceive that in the system of accounts, as to correctness and character, the Army was far before the Ordnance or Navy—any comparison with the Navy being, in fact, quite out of the question. They had no doubt made considerable progress; but he was still not satisfied, and he only accepted what had been done as a proof of how much more could be accomplished. He saw no reason whatever why the civil organisation of the Army should not be still further improved. He saw no reason whatever why the Ordnance should not be placed, as in all other armies, under the Commander-in-Chief, in order that they might thus get rid of the expense of that costly and most useless establishment in Pall-mall, and save a clear million at least. He would not place reliance on the evidence, for it was interested, the witnesses being military men, who saw the advantage of the country in the increase of their establishments. The Governments successively had always urged that relief was wanted in the colonies, as the excuse for keeping up the numbers of the Army; and it seemed as if the same or an increased number was always to be required in the colonies. But changes had taken place of late in our colonial policy which should induce the House of Commons to change the system also; and the Government had admitted that the colonies should pay some part of the expenditure for military supplies. Formerly, in colonies with a mixed population, as in the West India islands, residence was not safe without a stationary military force, if only as police protection; but within the last few years Her Majesty's Government had determined, that whenever our colonists adopted the institutions of this country, and had the management of their own affairs, they were to be made responsible for the expense of maintaining their military defence; and Earl Grey had said that they must be prepared to do so. If that were so, why delay placing them in the situation that would relieve this country of a large portion of its expenditure? Besides the 39,000 men specially demanded for the colonies, there were further some 40,000 artillery, engineer, ordnance, and sapper and miner troops employed in the East Indies and elsewhere: and, to a very large proportion of this number the principle intimated by Earl Grey in reference to the Australian troops might be gradually applied. The question was, had the country arrived at a point when they might demand a reduction in this large establishment, and whether the principle laid down by Earl Grey was to be acted upon? If 39,000 men were now required, it was a greater number than used to be wanted, and more than were required, although necessary when troops were wanted to coerce or keep down our colonies, or to keep out foreign aggression. At this time, when the reduction of the national expenditure was looked forward to, the colonies were among the sources which should be considered as aids to such reduction. The Australian Colonies had some 5,000 troops, and Earl Grey had given notice he should withdraw them. If that were so, why not a reduction in the estimate of the total number out there? Then there were the Canadas and North America. The Government had given responsibile government to Canada, and what was the use of keeping 8,000 or 9,000 troops there, or even 1,000 men? Why, if they were withdrawn directly, the inhabitants would probably not raise 1,000 men. He put it to the House whether, in such colonies as these, we ought to pay for troops only to act as police. If they wanted police, we ought not to be at the expense of maintaining the force we now do, and which is no longer wanted. He asked why Earl Grey and the Government, after the declarations he had mentioned, did not put them in force as regarded Canada and Nova Scotia, withdraw the troops, and leave them to find for themselves whatever was requisite? He should be glad to hear any plausible reason to the contrary. Without going back to 1835 as a precedent, but taking the average of three years, 1834, 1835, and 1836, and by comparing them with the present estimates, the result would be that we voted 151,000 in place of 121,000 in round numbers. He should now appeal to the House to show their desire for practical reduction, and conclude by moving the reduction of the vote for 98,714 men by 5,000 men, who should be immediately withdrawn from the Colonies.

Motion made—

> "That a number of Land Forces, not exceeding 93,714 Men (exclusive of the Men employed in the Territorial Possessions of the East India Company), Commissioned and Non-Commissioned Officers included, be maintained for the Service of the United Kingdom of Great Britain and Ireland, from the 1st day of April, 1851, to the 31st day of March, 1852, inclusive."

MR. W. WILLIAMS, in seconding the Amendment, must condemn the financial conduct of the Government as having been more extravagant in every branch of the public service than any of their predecessors. Unless the right hon. Gentleman the Secretary at War could show that there was something in the state of the country which required such a large force, he (Mr. Williams) did not think the House would be justified in voting the number of men which the right hon. Gentleman had proposed. The average of the eleven years from 1829 to 1839, had been much below what was proposed for this year. The average of these eleven years had been—of cavalry and infantry, 85,140 men; of artillery, 8,550, making together 93,690 men. There were proposed for this year, cavalry and infantry, 98,714; artillery, 14,570, together 113,284 men; being rather more than 20,000 men required this year above what had been the average required by the three Governments who had preceded the present Administration. Besides this, too, there had been an increase in the Irish police and the coast guard, amounting to 36,000 men, which, with the increase of 20,000 in the artillery, infantry, and cavalry, made the force asked by the Government for this year more than 56,000 above what had been required by the Governments of the Duke of Wellington, Earl Grey, and Lord Melbourne. He (Mr. Williams) must give the right hon. Gentleman credit for the clear and intelligible manner in which his Estimates were usually drawn up; but he should like very much that the right hon. Gentleman would point out what necessity existed for this increase of force. He (Mr. Williams) begged the House to observe that in the year 1839 this country was in a position of considerable difficulty. Things were not at all tranquil at home, the rebellion in Canada was scarcely repressed, the difficulties existing with the United States in regard to the boundary question were not obviated, and our relations with France were not on the most satisfactory footing. Taking all these circumstances together, that period had been one of considerable difficulty; and if in such a period Government could do with the force he had mentioned, he did not see how the Secretary at War was justified in asking for such a large number of men for the present period. The noble Lord at the head of the Government had, in former days, entertained a very different notion as to the military force required in this country. He (Mr. Williams) would read a few lines which occurred in the noble Lord's *Essay on the Constitution.* The words were these:—

> "When it is urged that it is necessary to assimilate our peace establishment to that of Continental Powers, and that a large Army is rendered necessary by the increase of the population, then it is time for the people to arouse themselves and shake off, before it be too late, the burden of a military government."

These words had been written by the noble Lord in the year 1823. Now, what had been the military force at that time? The Army had then numbered 74,000 men, so that the number asked this year exceeded by 40,000 that of the year 1823, when the noble Lord had put these opinions on paper. He (Mr. Williams) wished the noble Lord would carry out these principles, and take an example from the three Governments which had preceded the present Administration. All the circumstances of the country favoured the reduction of our military force. The railroads which now existed enabled the authorities to concentrate with ease the military at any given point, and of course did away with the supposed necessity which existed formerly to maintain such a large military force over the country. He was sorry that his hon. Friend the Member for Montrose (Mr. Hume) had not proposed a much larger reduction than 5,000 men. For his own part, he saw no necessity for such an increase of men over what had been required by former Governments. Perhaps the Government could show some necessity for it. It had not, however, been done by the right hon. the Secretary at War. The right hon. Gentleman had referred to the year 1839; but he (Mr. Williams) could tell him that the cost of the Army, Navy, and Ordnance, or, as they were generally termed, cavalry, infantry, and artillery, marines and sailors alone, had been 3,076,000*l.* more than the estimates of this year. ["Oh, oh!" *and* "Divide, divide!"] He thought that, on a subject of such importance, hon. Members should be allowed to express their opinions without interruption.

SIR W. MOLESWORTH said, he would confine himself to the proposal by his hon. Friend the Member for Montrose (Mr. Hume) to reduce the military force of the colonies by 5,000 men. In the year 1835 a Committee of the House had been appointed to inquire into the colonial military expenditure of the country. That Committee was composed of Earl Fortescue, Sir Henry Hardinge, Sir Henry Barlow, and the hon. Member for Cockermouth, and they recommended that there should be the strictest economy observed in our colonial military expenditure. At that period the number of troops in the American colonies amounted to 5,399 men, including artillery and infantry, maintained at a cost of 337,000*l.* Since that period there had been an increase in the military force of our North American colonies, and also an increase in the expenditure. In 1846–7 the number of military in these colonies had been 9,743, and the expenditure had amounted to 645,000*l.* Last year the number of men and the expenditure had been nearly the same as in 1846–7. Since the year 1835, the increase of men in our North American colonies had been 4,374, and of expenditure 300,000*l.* If they came to the standard of 1835, they would consequently make a reduction of the men in the North American colonies to the extent of about 4,500, and a reduction in the expenditure of 300,000*l.* This increase in the military expenditure of the Canadas had been occasioned by the rebellion, which had cost this country 2,000,000*l.* [Mr. HUME: 5,000,000*l.*] His hon. Friend said 5,000,000*l.* They ought to recollect that the Canadas were now in a different position from what they had been when the increase had taken place. They had now obtained the uncontrolled management of their own affairs, and he must say that the policy latterly pursued towards these colonies had been most wise and judicious. He much approved of the surrendering to these colonies the management of the clergy reserves. He maintained, however, that this country should not maintain troops in Canada for merely local purposes, especially as they had now the management of their own affairs. If some 4,000 troops were sufficient for the North American colonies in 1836, when they had not the management of their local affairs, he thought the number of troops now maintained in those colonies ought to be at once reduced. No doubt it was necessary for imperial purposes to have troops in particular stations—at Halifax and Quebec, for instance; but in 1835 the garrison of Quebec consisted of 1,100 men, and the garrison of Halifax of 1,500 men, and his hon. Friend (Mr. Hume) proposed to allow 4,000 men for these purposes. If we were to have a repeal of obnoxious taxes, there should be every possible reduction in our military expenditure; and any considerable reduction of our expenditure could only be made in our military establishments, and especially those connected with the colonies.

Lord J. RUSSELL: In reference to what has been said by the hon. Baronet (Sir W. Molesworth), I may state that the actual number of men in our North American colonies, including Newfoundland and Nova Scotia, is 8,079. The hon. Baronet proposes to reduce the number by 5,000, which would leave a totally inadequate force.

Sir W. MOLESWORTH said, he had included artillery and engineers.

Mr. MACGREGOR said, he believed that we could not suddenly withdraw from the colonies 5,000 men, though at the same time he believed that the chief reduction in the Army must be from the forces in the colonies. He contended that, in the North American colonies, all that we required to maintain was merely a few companies at Quebec, Montreal, Upper Canada, Nova Scotia, and New Brunswick, to serve, in case of need, as the framework to form regiments in those provinces. He did not think that they could, during this year, withdraw 5,000 men from the North American colonies, for the withdrawal of them would occupy a great portion of the year; and they could not withdraw them all at once, without throwing the men into a state of destitution. He would prefer leaving the Secretary of State for the Colonies, in the first instance, and afterwards the Secretary at War, to make those reductions. He had listened to the right hon. Gentleman's statement with great satisfaction, and he believed that the accounts were kept in his office with very great correctness. But there was another field for economy in the Army. The great military establishments they kept up in Ireland were a satire upon the people of that country. He had much difficulty with regard to this Vote, and that was owing to our being called on to grant large sums of money, while we had no Budget of ways and means. Government, by withholding a Budget, were keeping the country in suspense; trade was paralysed, and especially the shipping trade. He thought it would be wise in the Chancellor of the Exchequer to announce on Monday what he intended to do. The longer the right hon. Gentleman kept off making his statement, the greater injury he would do the country, and the more would he weaken the Government. He (Mr. Macgregor) thought that the best thing the Chancellor of the Exchequer could do, in the present state of the House of Commons, and in the condition of the Ministry, would be to attempt nothing more in his financial changes than to repeal the Window Tax entirely, and to renew the Income Tax for one year, having in view at the same time the greatest possible economy in the expenditure.

Mr. HUME said, in order to remove the difficulty which his hon. Friend felt with regard to the reduction, he would state that the recruiting was to the amount of 12,000 men a year, and if they stopped that they would accomplish the object. The House did not seem to be aware that this Vote involved a large expenditure for the Ordnance. Taking the five years from 1834 to 1838, inclusive, he found that the expense amounted to 61,274,159*l.* for Ordnance, Army, and Navy; while for the five years from 1846 to 1850, the amount was 84,524,659*l.*, showing an excess of 23,250,500*l.* in the last five years, and an excess of 4,030,098*l.* in the expenditure of 1850 over the expenditure of 1835.

Question put.

The Committee divided:—Ayes 47; Noes 186: Majority 139.

List of the AYES.

Alcock, T.
Bass, M. T.
Bell, J.
Blake, M. J.
Bright, J.
Clay, J.
Corbally, M. E.
Cowan, C.
Crawford, W. S.
Duncan, G.
Evans, Sir De L.
Fagan, W.
Fergus, J.
Fox, W. J.

Frewen, C. H.
Grace, O. D. J.
Greene, J.
Hall, Sir B.
Hastie, A.
Henry, A.
Heywood, J.
Heyworth, L.
Hindley, C.
Jackson, W.
Keating, R.
Kershaw, J.
King, hon. P. J. L.
Lennard, T. B.
M'Gregor, J.
Maher, N. V.
Marshall, J. G.
Moffatt, G.
Molesworth, Sir W.
Morris, D.
Mowatt, F.
O'Brien, Sir T.
O'Connell, J.
Pigott, F.
Pilkington, J.
Reynolds, J.
Scully, F.
Sullivan, M.
Thompson, Col.
Urquhart, D.
Wakley, T.
Walmsley, Sir J.
Williams, J.

TELLERS.

Hume J.
Williams, W.

List of the NOES.

Abdy, Sir T. N.
Acland, Sir T. D.
Adair, R. A. S.
Adderley, C. B.
Aglionby, H. A.
Anson, hon. Col.
Archdall, Capt. M.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Baines, rt. hon. M. T.
Baird, J.
Baring, H. B.
Baring, rt. hn. Sir F. T.
Barrington, Visct.
Barrow, W. H.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Blair, S.
Booth, Sir R. G.
Bowles, Adm.
Boyle, hon. Col.
Brockman, E. D.
Buller, Sir J. Y.
Bunbury, E. H.
Burghley, Lord
Buxton, Sir E. N.
Carew, W. H. P.
Carter, J. B.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Charteris, hon. F.
Chatterton, Col.
Chichester, Lord J. L.
Childers, J. W.
Christy, S.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Cocks, T. S.
Coke, hon. E. K.
Cowper, hon. W. F.
Craig, Sir W. G.
Dalrymple, Capt.
Dawson, hon. T. V.
Dodd, G.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Duke, Sir J.
Duncuft, J.
Dundas, Adm.
Dundas, G.
Dundas, rt. hon. Sir D.
Dunne, Col.
Ebrington, Visct.
Edwards, H.
Estcourt, J. B. B.
Evans, W.
Farrer, J.
Ferguson, Sir R. A.
FitzPatrick, rt. hn. J. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Freestun, Col.
Gallwey, Sir W. P.
Gaskell, J. M.
Goddard, A. L.
Gooch, E. S.
Goold, W.
Gordon, Adm.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, T.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guernsey, Lord
Gwyn, H.
Hallyburton, Lord J. F.
Harris, R.
Hatchell, rt. hon. J.
Hawes, B.
Heathcoat, J.
Heneage, G. H. W.
Henley, J. W.
Herbert, H. A.
Herbert, rt. hon. S.
Hobhouse, T. B.
Hodgson, W. N.
Hotham, Lord
Howard, hon. C. W. G.
Howard, P. H.
Hudson, G.
Jones, Capt.
Kildare, Marq. of
Knox, hon. W. S.
Labouchere, rt. hon. H.
Lewis, G. C.
Lindsey, hon. Col.
Lockhart, A. E.
Long, W.
Lygon, hon. Gen.
Mackie, J.
Macnaghten, Sir E.
Matheson, A.
Matheson, Sir J.
Matheson, Col.
Maule, rt. hon. F.
Miles, P. W. S.
Miles, W.
Milner, W. M. E.
Mitchell, T. A.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mundy, W.
Newdegate, C. N.
Noel, hon. G. J.
Norreys, Lord
Ogle, S. C. H.
Owen, Sir J.
Paget, Lord C.
Pakington, Sir J.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pennant, hon. Col.
Power, N.
Rawdon, Col.
Reid, Col.
Ricardo, O.
Rice, E. R.
Rich, H.
Romilly, Col.
Russell, Lord J.
Russell, F. C. H.
Sandars, G.
Scrope, G. P.
Seaham, Visct.
Seymer, H. K.
Seymour, Lord
Sibthorp, Col.
Simeon, J.
Smith, J. A.
Smollett, A.
Somers, J. P.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, J.
Sturt, H. G.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Ald.
Thornely, T.
Townshend, Capt.
Trevor, hon. G. R.
Tufnell, rt. hon. H.
Turner, G. J.
Tyler, Sir G.
Vane, Lord H.
Verner, Sir W.
Verney, Sir H.
Watkins, Col. L.
Wellesley, Lord C.
Westhead, J. P. B.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wrightson, W. B.
Wynn, H. W. W.
Wyvill, M.

TELLERS.

Hayter, rt. hon. W. G.
Hill, Lord M.

Original Question put, and *agreed to.*

MR. HUME protested against proceeding further that night, it being now a quarter past twelve o'clock. He should move that the Chairman report progress.

MR. FOX MAULE said, the 5th of April was fast approaching, and although they might have money in hand for the present year, that money, very properly, could not be applied to the expenditure of the ensuing year. He hoped his hon. Friend would now allow the Votes to be taken.

MR. W. WILLIAMS said, he wished to show the injustice of several of the items, and especially with regard to the differences of rank. He wished to go into detail. ["Oh, oh!"] He had a duty to perform, and he should not be prevented from performing it by clamour.

MR. MOWATT said, he had an additional reason why the question should not be further debated that evening. It appeared evident that the House was not disposed to enter upon such a discussion as many Members might desire. For instance, he had the presumption to think that he could himself show that a reduction of more than 5,000 men in the Army, so far from impairing its efficacy, would render good service to the colonies, for the sake of which it was pretended that our military establishment was kept up on its present footing. ["Divide, divide!"] As the House was not prepared to listen to any man, he should support the Motion for reporting progress.

Mr. FOX MAULE said, that if the hon. Member for Lambeth (Mr. Williams) would take the trouble to read the evidence given before the Committee last year, he would find every explanation that he could require, not only given in a far better manner than he could do, but illustrated by documents from the War Office. He hoped the House would consent to the Vote.

Mr. WILLIAMS protested against the voting of 3,500,000*l.* after midnight.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee divided:—Ayes 29; Noes 168: Majority 139.

Mr. HUME moved that the Chairman "do now leave the chair." If he could get any one to support him, he would stay there till four o'clock in the morning, dividing the Committee, rather than permit the people's money to be voted away at such an hour (twenty minutes to one o'clock).

Lord J. RUSSELL said, that the hon. Member being so inflexible in his determination, he (Lord J. Russell) had nothing for it but to acquiesce. He would, therefore, offer no further opposition to the adjournment; but he should feel it his duty to propose, that on Monday evening Supply should have precedence of all other Orders. This would necessarily interfere with the arrangements he had previously made, and he should be compelled, in consequence, to postpone the Motion of which he had given notice, for the appointment of a Select Committee to inquire into the relations of this country with the Kaffir and other tribes on our South African frontier. He must, however, be permitted to say that he thought the conduct of the hon. Member for Montrose very unreasonable.

Mr. HUME wished the noble Lord to understand that it was his intention to move, on Monday evening, that unless Government brought forward their financial statement, the House should not even go into Committee of Supply. There was a business-like mode in which to do things, and it ought to be observed. The House ought not to be trifled with. Nobody had of late years heard of such a thing as voting large sums of money after midnight; and he, for one, must protest against it. A minority had rights as well as a majority; and it was not to be endured that they should be forced into compliance by what some would designate (though he did not so designate it) as "a tyrannical majority."

Mr. ADDERLEY said, the question for which he had given notice for a Select Committee to inquire into, was most essential to the interests of the empire. It need not be a long question, or require a long debate. He should have brought it on to-day, but the noble Lord at the head of the Government asked him to give way, assuring him that he should bring it on the first thing on Monday; and he acceded to the request out of deference to the noble Lord. The discussion on the Budget would be coming on, and he should like to know whether he would be allowed to refer the subject to a Committee before going through the Supplies.

Lord J. RUSSELL said, it was quite right that the hon. Gentleman should receive an explanation. According to the Orders of the House, after an amendment had been put and divided upon, no other resolution could be proposed; the only Motion that could be put was, that the Speaker should leave the chair. The Speaker himself had decided so that night, in reference to the Motion of the hon. Member for Lincoln (Colonel Sibthorp), which stood before that of the hon. Gentleman (Mr. Adderley). Therefore it was impossible that his Motion could come on. He certainly intended to have proceeded on Monday, before any other business, with the Estimates. The hon. Gentleman would see the position in which the House stood. On the 5th of April any monies that might remain, not having been paid in the expenses of the year, would be returned to the Exchequer. Therefore, unless the House now consented to vote certain sums, there would not be, on the 5th April, any money for the emergencies of the service. As the hon. Member for Montrose knew that, he hoped he would not persevere in his opposition.

Mr. HUME said, that to show what he intended to do, he would state that he meant to put on the books a notice, before going into Committee of Supply, that the House would not grant any further supplies until the financial statement was made.

Mr. BRIGHT said, he was not at all certain that the opinion of the course pursued by the hon. Member for Montrose, being very unreasonable, would be participated in out of doors. Generally speaking, the public impression was, that if any part of the business of that House was done in a slovenly, unsatisfactory manner, it was the voting of large sums of money. It might be all very well that this money should be voted in the sums now proposed; but it certainly did not appear right to those paying the taxes that those sums should be voted without consideration and inquiry. The noble Lord at the head of the Government ought not to lay all the blame on the hon. Member for Montrose of the interruption to public business. He had kept the House himself, ever since the 4th of February, running after a hare which they would never catch, and trying to do that which was wholly impossible. And if the public were favourable to the noble Lord's project, they must be ready to submit to some little inconvenience with regard to the rest of the busines. If there was any occasion on which it was necessary to make some stand, and demand some inquiry and discussion, it was in voting these large sums of money; for it was only in these large Votes for Naval and Military expenditure that it was possible to secure for the country any reduction of expenditure.

Mr. HUME said, he would not press his Motion.

House resumed.

Resolution to be reported *To-morrow*, at Twelve o'clock; Committee to sit again on *Monday* next.

The House adjourned at a quarter before Two o'clock.

HOUSE OF COMMONS,

Saturday, March 29, 1851.

Minutes.] Public Bills.—1ª Marine Mutiny; Mutiny.

SUPPLY.

Lord M. HILL brought up the Report of the Committee of Supply.

Resolution agreed to.

The House adjourned at a quarter after Twelve o'clock.

HOUSE OF LORDS,

Monday, March 31, 1851.

Minutes.] Public Bill.—3ª Consolidated Fund.

CHANCERY REFORM.

Lord LYNDHURST said, by the Votes of the House of Commons he perceived that the noble Lord at the head of the Government had obtained leave to bring in a Bill for the purpose of regulating the mode of conducting the business of the Court of Chancery, and the duties and privileges of the noble and learned Lord at the head of that Court. Their Lordships knew from other sources that another Bill was to be introduced in this House with respect to the appellate jurisdiction possessed by their Lordships, and having reference to the duties of his noble and learned Friend who presided over their deliberations. Now, with all deference to noble Lords opposite, it did appear to him singular and unaccountable that these measures having reference to the Court of Chancery, to that Court over which his noble and learned Friend on the woolsack presided, with which the judicial establishment of this House was intimately connected, should have been introduced in the other House of Parliament, and it was also most strange that a subject which was really one should have been divided—that a question which ought to have been dealt with as a whole, should have been branched into two separate Bills. Now, the two Bills were so closely connected that it was impossible to dissever them, or to adopt the one without at the same time accepting the other. It was plain, therefore, that as one Bill had been introduced into the House of Commons, and as the other was about to be introduced in this House, that their Lordships, as well as the Members of the House of the House of Commons, would have to discuss this grave and important question with only one part of the measure before them. Now, he objected to this course. If his noble and learned Friend on the woolsack was to continue to be in substance, and not in mere form, a member of the Court of Chancery, the extent of the duties he would be able to perform in that Court, must depend in some measure on the extent of his duties in this House. And, upon the other hand, the extent of his duties in their

Lordships' House would, in a certain degree, be connected with and dependent on the weight of his labours in the Court of Chancery. How, then, was it possible, fairly and properly to discuss the merits of a measure, one half of which was brought into the other House of Parliament, and one half in this? But there was another possible contingency to which he begged to draw the attention of their Lordships. Possible, did he say?—nay, in the present state of parties elsewhere, far from being an improbable case, namely, that one of these Bills might be lost and the other carried, the consequence of which would be that the whole judicature of the country would be involved in inextricable confusion. Now, what were the reasons that had been urged for the adoption of this singular course of procedure by the Government? He thought that the reasons for this extraordinary and very singular course of proceeding had not yet been stated by the proposers of the measures. It had been said, and said with great justice, that the Bill with reference to their Lordships' appellate jurisdiction could not originate in the House of Commons—that such a course would be inconsistent with the privileges of their Lordships. To this proposition he agreed; it was perfectly accurate and true; but, unless he was very much misinformed, there was in the Bill brought into the House of Commons a clause with respect to the appellate jurisdiction of their Lordships, most distinctly trenching and infringing on their Lordships' jurisdiction, curtailing it in a most important particular. He would, however, pass over this for the present; and he would again ask why it was that the whole measure had not been introduced in their Lordships' House? What was the object of this deviation from the usual course? What was the reason why this great and important question should be thus divided when such a division must be attended with the manifest inconvenience and hazard to which he had referred? Their Lordships, had it been introduced here, could have embraced and dealt with the whole subject; and, if permitted, he would make this further observation, that he did not believe there was a single instance with respect to Bills relating to the jurisdiction of the Court of Chancery which had not originated in their Lordships' House. When the question of appointing a Vice-Chancellor for the purpose of assisting the Lord Chancellor was raised, the Bill was first introduced in the House of Lords. Subsequently, when it was considered necessary still further to augment the judicial force of the Court of Chancery, he (Lord Lyndhurst) introduced the Bill for that purpose here; at a later period, when it was desirable to make alterations in respect to the jurisdiction of the Court of Chancery in matters of bankruptcy, his noble and learned Friend (Lord Brougham) brought that Bill into this House; and when it was proposed to extend the provisions of that measure to the different counties of this kingdom, he (Lord Lyndhurst) being in possession of the Great Seal, proposed that extension to their Lordships. What, then, was the reason why this principle was departed from in this particular instance? Was not their Lordships' House competent or qualified to discuss this question? There was not, perhaps, an assembly in the world so fit to discuss and perfect measures of this kind, as that which he had the honour of addressing. For of whom did that assembly consist? His noble and learned Friend on the Woolsack had great experience in law, and was now presiding over a Court of Equity. There were two other learned Friends of his in that House who had held the high office of Lord Chancellor—one of whom, his noble and learned Friend (Lord Brougham) had from the moment of his retirement up to the present time, been most assiduous in his attendance at the hearing of the appeals to their Lordships' House—sometimes sitting with the Lord Chancellor, and not unfrequently sitting alone. There were, in addition, his noble and learned Friend, who had retired with great honour and reputation from presiding over the Rolls Court: an individual more perfectly, more closely conversant with the practice of the Court of Chancery, in all its details, and in applying them, could not be found, than the noble and learned Lord to whom he referred. There was, moreover, his noble and learned Friend who had recently become a Member of their Lordships' House (Lord Cranworth), who, with the exception of three or four years, in which he distinguished himself as a Common Law Judge, had spent his whole life in Courts of Equity. Another noble and learned Lord, who now filled the eminent office of Chief Justice of the Queen's Bench, was for a few days, as a "postulant," in the Irish Court of Chancery, in which he spent his noviciate, and who had been since then, and up to the period of his last appointment, most diligent in his attendance on the appeals to that House. All these noble and learned Lords were, it could not be denied, eminently qualified for the consideration of this question. They could also secure the co-operation of a noble and learned Friend of his, not now present, who had for years filled the office of a Master in Chancery, and afterwards sat at their Lordships' Table as Clerk-Assistant of the Parliaments, who was intimately conversant with the practices of the House, as well as with the whole question to which those Bills referred. Now, all those persons, besides many noble Lords whose judicial habits and custom of investigation fitted them for such discussion, that House supplied, including his noble Friend the Chairman of Committees (Lord Redesdale,) who had an hereditary claim to legislate upon such a subject. But their Lordships possessed important supplemental powers of another description—he alluded to the power of appointing Committees to examine witnesses on oath—enabling them, therefore, to ascertain with the greatest precision and accuracy everything connected with the administration of justice in those Courts. Under these circumstances, he asked if, instead of taking the course which the Government had taken—instead of dividing the measure—introducing it piecemeal—first one branch of it in one House, and then another branch of it in another—it would not have been better to adopt that course which was consistent with precedent, and bring the whole question, in one Bill, under the notice of their Lordships in the first instance. But how had the Government acted upon this matter in other respects? This Bill was promised during the last Session of Parliament. The Government had the whole of the vacation to consider and mature it. It was promised again in Her Majesty's Speech from the Throne. But upwards of two months had elapsed, and it was only just upon the eve of Easter that some intimation was given as to what was to be the nature of the Government scheme. From the course pursued, three months, at least, of the Session must pass away, before even one Bill could come from the House of Commons before their Lordships. Now, would not the preferable course have been, to bring the Bill into this House at the beginning of the Session, and to send it down well considered, digested, and matured, to the other House of Parliament, at the same period that one of the Bills would then be brought here, and leaving abundance of time for its consideration and discussion by the House of Commons? He found, therefore, nothing to justify this course of proceeding, and was anxious to know why the Government had taken a line of conduct which, he repeated, was unprecedented and extraordinary. He had looked about for reasons, but confessed he could not find any that were at all satisfactory. One mode of accounting for it might be the natural repugnance of his noble Friend on the Woolsack to usher such a Bill into their Lordships' House. A parent looked with complacency even on its rickety offspring, and he supposed that was the reason why the noble Lord at the head of the Government had himself brought in this Bill. His noble and learned Friend on the Woolsack was, probably, unwilling to take the conduct of a measure which he must have foreseen would be universally scouted by the whole profession of the law. The Bill professed to give additional judicial strength to the Court of Chancery, but would, in fact, embarrass and weaken the strength and power of that Court—one of its objects was to diminish the number of appeals to the Court of Chancery, but its effect would be to augment them. A gentleman of great respectability, he admitted, had recently been raised to the position of Master of the Rolls, and he was to act as appellate Judge with a Common Law Judge, which Common Law Judge might be totally unacquainted with the course of proceedings in the Court of Chancery, and yet this tribunal would have to decide these appeals. Appeals from whom? Why, from four men of the highest eminence, and of the greatest experience in the judicial proceedings of the Court of Chancery—men of undoubted ability and long standing, and of great practical knowledge. What would be the consequence, supposing the decision of the court below to be reversed by this new tribunal? Did they suppose that the party against whom the decision was pronounced would acquiesce in it? No, he would immediately appeal from that decision to their Lordships' House; so that the upshot would be that this power of immediate appeal would be utterly useless. He had heard it stated, but it was impossible that it could be correct, that for the purpose of obviating this inconvenience—this great evil—there was to be a power vested in this intermediate appellate tribunal of curtailing the right of appeal to their Lordships' House; to infringe, in fact, upon the high and admitted privilege of their Lordships' House; and he was told that one of the reasons for bringing in the second Bill was, because the House of Commons would not deal with the privilege of their Lordships. But such was the strange anomaly in the present proposition, that by the Bill which had been already introduced by the Government in the House of Commons, provision by a clause was made that the power of appeal to their Lordships' House should be restricted. Thus, while the Government professed to respect the privileges of their Lordships, they specifically introduced a clause by which the right of appeal to their Lordships was restricted. He hoped to hear some explanation on the subject, and that he had been misinformed. As matters at present stood, and as he understood the nature of the measure, the unsuccessful party could appeal to one or other of the tribunals. But, after all, he could not guess at any adequate reason why this Bill had been introduced, in the first instance, in the House of Commons; why it should not be allowed to originate with their Lordships. He had to call the attention of their Lordships to another—a new, a strange, a singular provision in this Bill, which had been brought into the House of Commons in preference. One of its enactments was to transfer, by a kind of sleight-of-hand movement, all the patronage of his noble and learned Friend on the Woolsack, into the lap of the First Lord of the Treasury, already sufficiently laden with patronage of this description. The noble Lord at the head of the Government had of late been worsted in contests with his foes, and he now trenched upon his friends, and sought to signalise his doings by the plunder of his colleague.

> "So much, 'tis safer through the camp to go,
> And rob a subject than despoil a foe."

But perhaps this provision with regard to the patronage was in itself a kind of answer to the question, why the Bill had not been introduced into that House. The noble Lord had taken it under his own protection, because he could not call upon the Lord Chancellor to commit so suicidal an act. Of one thing, he (Lord Lyndhurst) felt sure, that had it contained such a provision, it would never have received their Lordships' approbation. And surely, in all the experience of any public man in that House, a more flimsy reason for making so great a change had never been presented to the public. The first great charge preferred by the noble Lord against those who had held the high office of Lord Chancellor, and had the distribution of this patronage, as a reason for transferring this patronage to the Treasury, was, that such patronage had been distributed for party purposes. He (Lord Lyndhurst) emphatically denied the truth of that imputation. Nothing could be more sacred than the trust reposed in the Lord Chancellor with respect to the distribution of ecclesiastical patronage; and this he could not help saying, that he believed the men who had held the office of Lord Chancellor, had dispensed their ecclesiastical patronage without reference to party purposes. It had been felt as a trust of a most sacred nature, and the principle on which he and his predecessors had acted was *detur digniori*. Nothing could be more unpleasant to him than to speak of himself, but he could conscientiously say that, in the distribution of the patronage attached to the office which he had filled, he had not been influenced by any such ideas. After he was entrusted with the custody of the Great Seal, so it happened that the first important piece of preferment which he had to dispose of was a prebendal stall at Bristol. Did he give that vacancy to one of his own party? So far from it, he had conferred it upon a gentleman who, from his earliest years, had been active in the support of the Whig cause; but he knew him to be a man of great learning—he knew that he was beloved by his parishioners—he knew him to be an excellent parish incumbent; the gentleman to whom he alluded was the Rev. Sydney Smith; but he had always been an active Whig partisan, and therefore could not have received patronage from him on any other ground than his real merits. But let him ask their Lordships one question. The present objection to the ecclesiastical patronage being vested in the Chancellor was, that it was conferred from party motives. Now, granting that even there was such a suspicion, did their Lordships believe that such a motive would be less likely to influence the First Lord of the Treasury than the Keeper of the Great Seal? Why, it was obvious that all this patronage would go into the Treasury vortex; the Secretary of the Treasury would be the man, he it was who would then distribute it, probably for party purposes of the most objectionable character, with a view to the favour of certain constituencies—with a view to the carrying of certain elections—in short, for party purposes more objectionable than any other whatever. But there was another reason assigned. It was gravely urged as a reason for taking away this patronage from the Great Seal, that the Lord Chancellor was oppressed with the weight of his judicial business, and that it was necessary to relieve him from a portion of his burden, by transferring it to the First Lord of the Treasury. Now, as a relief, it would only be a relief in the sense that it was the last feather which broke the back of the camel; for ecclesiastical patronage was certainly only a feather in the scale of the burdens of the Lord Chancellor. The whole of the correspondence was conducted by the Secretary of Presentations, and when a vacancy occurred the Lord Chancellor had nothing to do but to decide upon the claims of the respective applicants. That occupied him but a very short time. If, therefore it was necessary to relieve the Lord Chancellor from any burdens of office, this certainly was the very slightest. But the House would give him leave to observe, from his observation and experience, that as far as mental work and anxiety were concerned, the First Lord of the Treasury was, or ought to be, as much burdened as the Lord Chancellor. Another reason assigned for this extraordinary measure—but the veil was so flimsy that it was easily seen through—was that, after all, it was not the office in which the livings ought to be vested—that it was not right to confer them upon the nomination of the Lord Chancellor, who might not be conversant with the routine of office, and that the Sovereign was the fitting source from which such gifts should spring. Why, such a reason would not impose upon the humblest understanding of the humblest public clerk in the lowest public office in the country. Everybody knew well enough how those transactions were conducted, and how the first Lord of the Treasury would act. When a living was vacant, the First Lord of the Treasury would write a short letter stating the fact, and the name of the individual recommended. That letter was sent to Her Majesty who, as a matter of course, returned it with the words added—"Approved, Victoria Regina." In point of fact, these livings would be as much in the gift of the First Lord of the Treasury as any other patronage which he possessed. But it was said that this change had been recommended by a Committee of the House of Commons. That was to say, a Committee, many of whom were appointed by the First Lord of the Treasury, or were his partisans, had investigated the matter in the absence of the Lord Chancellor, or of any one to represent him, and then came to the conclusion that it was desirable the patronage should be transferred from the First Lord of the Treasury. What was the injustice of this patronage? Their Lordships all knew that the Lord Chancellor was originally an ecclesiastic, and that this patronage had been conferred upon him as one of the rewards of his office. No ecclesiastic had held the Great Seal for a period of more than 200 years, but during the whole of that time the patronage still remained with the Great Seal. It was therefore a right prescriptive in the office. Usage and prescription sanctioned it; and if after a period of 200 years this right was given up, he would like to know what office, or patronage, or gift, or title, would be secure if so dangerous a precedent were established. At all events, he felt sure that their Lordships would not sanction such a proposal. Did their Lordships suppose that when the Great Seal was held by Lord Hardwicke, by Lord Thurlow, by Lord Eldon, that any attempt of this kind would have been made, or that his noble and learned Friend near him (Lord Brougham) would have stood still like a caged bird while such an invasion was made on the privileges of his office? But he (Lord Lyndhurst) entertained so high an opinion of the spirit and independence of his noble and learned Friend on the Woolsack, that he felt sure he would not submit to such a degradation. He knew no person more unselfish than his noble and learned Friend, no one more indifferent to personal interests; but let his noble and learned Friend recollect that he ought not to consider himself only, but that he ought to regard the question in the light that he was merely a trustee for his successors—that as he had received from the gracious bounty of his Sovereign this high office, with all its dignities, patronage, and emoluments, he ought to transmit it unimpaired to those who were to follow him. He had felt it to be his duty to state these views to the House; and the questions he would now put were, why the usual practice had been departed from in the mode of introducing this Bill?—why the measure had been divided into two parts?—why it had originated in the other House of Parliament?—how the provision stood that the right of appeal to their Lordships' House was to be curtailed, and whether the Judicial Committee was to be absorbed in the newly-constituted tribunal?—and, finally, why the measure had not been introduced sooner than the very eve of the Easter holidays?

The LORD CHANCELLOR said, he had not had the honour of being long enough a Member of their Lordships' House to render him perfectly familiar with all the rules which governed their discussions; but from what he had learnt of them, and from all he had heard of them, he could not help thinking that his noble and learned Friend must have entirely forgotten them all when he permitted himself to take the course he had just adopted—when, under the form of asking a question, he considered it was competent for him to discuss two things called Bills, neither of which he believed was at that moment in any way legitimately before the House. The Bill to which the noble and learned Lord had first referred, had not even been introduced into the House of Commons yet; and with regard to the other measure, there had not been a suggestion with respect to its introduction into either House; nevertheless his noble and learned Friend was not only disposed to question the propriety and almost the right of a Member of the House of Commons, the head of Her Majesty's Government, to bring in a Bill in that House, in place of allowing it to be brought into their Lordships' House, but had actually gone through the supposed clauses of the Bill in question, and attempted to invite a discussion into the merits of each of them. What could be more inconvenient than such a course? This was a very striking instance; because he could tell his noble and learned Friend that some of the clauses he had been discussing were not in the Bill, and were not intended to be in the Bill at all; but various Bills—or rather, he should say, various draughts of a Bill—had been prepared, and he supposed his noble and learned Friend had, somehow or other, got possession of one of those draughts, and had therefore been discussing, not the clauses which had actually been adopted, but those which had merely been proposed for consideration, but which were never likely to find their way to either House of Parliament. He could assure his noble and learned Friend that it had never been intended, by any Bill to be brought into the House of Commons, to interfere with the appellate jurisdiction of their Lordships' House. Soon after he had the honour of communicating with the noble Lord at the head of the Government, the subject of the appellate jurisdiction of their Lordships' House came under his consideration, when it was arranged that he should take the earliest opportunity of moving for a Committee of their Lordships' House for the purpose of taking into consideration how far the administration of justice in their appellate jurisdiction could be improved. Since that communication his mind had been engaged on the subject. One point requiring consideration was the great expense of appeals in that House. He had collected all the bills of costs in a number of cases, for the purpose of seeing what could be submitted to a Committee of their Lordships' House upon the subject of reducing the expense. Another important branch was the constitution of that tribunal when sitting and exercising appellate jurisdiction. It remained with him, and with him only, to move their Lordships to appoint a Committee to take these important matters into consideration; but, he repeated, it never was the intention of the noble Lord at the head of the Government to interfere with the appellate jurisdiction of their Lordships' House. Should he the (Lord Chancellor) act consistently with their Lordships' rules if he were uselessly to occupy their time by going into a discussion of the several clauses of the Bill his noble Friend had obtained leave to bring into the House of Commons? The subject of the Court of Chancery had occupied a large portion of the attention of their Lordships' House, as well as of the other House of Parliament. Several Bills, as the noble and learned Lord had stated, had been brought before their Lordships, but had never found their way to the House of Commons. Was it, therefore, surprising that the opinions of the Commons of England should be taken upon a subject which their Lordships' House had repeatedly discussed, and upon which the House of Commons, he presumed, had as good authority to exercise its judgment and discretion? He owned it appeared to him extraordinary to hear discussed whether or not it was right and proper to bring in a Bill into the House of Commons upon a subject which their Lordships had already expressed their opinion upon. He thought it would be a most dangerous course if each House was to discuss the propriety of Bills being brought into the other, and if, even before a Bill was brought in, the individual clauses of that Bill, as conjectured, were to become the subject of discussion. What course could be more convenient than to introduce a Bill with a suitable statement of the principle upon which it was founded, and the evils which it proposed to cure, and of how far the remedy proposed was applicable by way of cure? But what could be more inconvenient than for the opponents of a measure to begin by imagining the clause of a Bill, and decrying them by anticipation? He confessed this seemed to him to be a most inconvenient course. He was most anxious at all times to give his noble and learned Friend the fullest information he could desire upon all subjects upon which he could afford him information; but he should be more anxious, in conformity with the rules of their Lordships' House, not to allow himself to be misled, even by the very high and esteemed authority of his noble and learned Friend into the monstrous irregularity of discussing the merits of a Bill which had not even yet been introduced into the House of Commons, and of going through it clause by clause. An amendment of the administration of justice in Chancery had long been much desired. His noble and learned Friend had remarked upon the delay which had occurred in this attempt to improve it. Had his noble and learned Friend never been engaged in the task himself? He (the Lord Chancellor) was sure he had. Had he been able to produce a measure which he or any other person could recommend to their Lordships? No; he believed his noble and learned Friend had not succeeded; although he, like various other persons less gifted than himself, had doubtless been extremely desirous to do so. Still he (the Lord Chancellor) denied that time had been lost or misspent, for it was, as their Lordships must be aware, a subject of extreme difficulty. It had been desired to remove the Lord Chancellor from the Court of Chancery; but when the question came to be deliberated upon, when they considered how it would operate upon the appellate jurisdiction of their Lordships' House, that was to say, how far the Lord Chancellor, in presiding only in the appellate department of that House, would have his judicial authority diminished, and thereby diminish their Lordships' authority and the high esteem and respect in which the judgments of that House were always held, and which, he ventured to say, it was of the deepest interest to the country they should always be held—for he maintained that of all the things most to be guarded against was that of doing anything to diminish the judicial authority of their Lordships' House—but when, as he had said, the question of removing the Lord Chancellor from the Court of Chancery came to be considered, it was felt that although it was desirable to obtain the undivided services of the Lord Chancellor in the other departments which had hitherto rested upon him, it would be impossible to carry the plan into effect. It was felt that it was of the greatest importance that the Lord Chancellor should remain in the Court of Chancery, for, if he were not there, how would he be able to advise the Crown as to the appointment of the Judges and the various judicial officers? Where could he become acquainted with the state of the profession, and with the character and competency of those whom it was proposed to elevate to the bench? If he presided only in their Lordships' House, his acquaintance with the bar would necessarily be limited; he would have little opportunity of becoming acquainted with the profession, and he would be unable to give the Crown the advice, or to sustain the responsibility of that advice, which the best interests of the country required. It was, therefore, found necessary to retain the Lord Chancellor in the Court of Chancery. But there was another evil. How were they to expedite the appellate business of the Court of Chancery? This was also attended with great difficulty. When the noble and learned Lord alluded to what passed in the other House of Parliament, perhaps he was not aware of the extreme jealousy with which that House looked upon any increase of the expense of the judicial departments of the State. There lay the evil. The temper of the present time was not disposed to make the necessary sacrifice for the expense of the administration of justice. The business of the Court of Chancery had greatly increased. It was, in fact, extremely heavy. There was not sufficient judicial power there, and it was very doubtful whether the House of Commons would add to that judicial power. It being then desirable as far as possible to retain the Lord Chancellor in the Court of Chancery, and at the same time to allow the appeal business of the Court of Chancery to go on while the Lord Chancellor was sitting in their Lordships' House or in the Judicial Committee, it was thought to be the least inconvenient course—he would not use a stronger expression—to get the Master of the Rolls and a Common-Law Judge (if an arrangement could be made to that effect), to preside in the Court of Chancery. His noble and learned Friend said that a Common-Law lawyer was unused to Chancery business. Where, he would ask, had his noble and learned Friend attained his own high character and eminence? Did the Court of Chancery suffer from the Common-Law lawyer, Sir J. Copley, presiding in the Court of Chancery? The Common-Law lawyer was found fully competent to possess himself of all the knowledge that was necessary for that situation, and efficiently, honourably, and most advantageously to discharge the duties of it; and, much as he admired his noble and learned Friend, that there were yet Judges on the Common-Law bench who were equally competent to administer justice in equity, he would answer without the slightest hesitation. He would say, that not only would these Judges in a very short time become acquainted even with the rules of practice to which his noble and learned Friend had alluded, but that they were already familiar with all the great principles of equity, which were frequently under discussion in the Common-Law courts. He (the Lord Chancellor) was ready to maintain at the proper time and opportunity that the Common-Law Judges would afford most useful assistance in aid of the Master of the Rolls or the Lord Chancellor. He could not conceive any objection arising on that score. It was quite true, as his noble and learned Friend had surmised, that the new tribunal would not give that facility which was desired to advance and expedite the business of the Court of Chancery, unless they added to the number of the Judges. If the House of Commons, however, would not do that, the next best thing, perhaps, was to enable the Court of Chancery to go on while the Lord Chancellor was engaged elsewhere. He (the Lord Chancellor) was not precisely himself of opinion that experience had dictated the necessity of the proposed arrangement. He did not see the advantage of the Court of Chancery having two or three Judges instead of one. Whoever looked and saw how the administration of justice in equity had proceeded, would not have reason to find that it suffered at all from the Appeal Judge sitting alone. But he knew that his noble Friend at the head of the Government had not been influenced in making a different proposal by any fancy of his own, but by suggestions from some of the most learned and able men at the bar, who thought that some such plan was desirable. His noble Friend yielded to those suggestions. In so doing expedition would probably be checked, because, when the Master of the Rolls was withdrawn from his own court, and sitting in the Court of Chancery, his own court would be closed. But surely this subject would be more fitly discussed when the Bill was before their Lordships. Would it not tend to destroy the confidence of the public in their judicial impartiality and the calmness of their judgment, when they saw their Lordships so eager that they would not wait till a Bill came regularly before them, but would begin impugning the propriety of the Bill being introduced there at all, and furnishing the House of Commons with their judgment by anticipation upon each clause? He felt sure that such a course would not add to the respect which the House of Commons was disposed to feel towards their Lordships' judgment at all times. His noble and learned Friend had asked why the Bill had been brought into the House of Commons instead of the House of Lords? His answer was this: He apprehended that—more particularly when the subject had been repeatedly discussed in their Lordships' House, but their Lordships had sent no Bill to the House of Commons on the subject—his noble Friend at the head of the Government had thought it expedient to ascertain the feeling of the House of Commons on a subject which had not hitherto been before them. Without knowing the particular reason which actuated his noble Friend, and answering upon his own notion merely, he apprehended that such was the reason why his noble Friend had asked leave to introduce the Bill into the other House; and he apprehended further, that this was a perfectly legitimate course for him to take. He, therefore, could not conceive but that his noble and learned Friend's extraordinary question had been asked merely for the purpose of hanging a speech upon it against the Bill by anticipation. He hardly thought that this was a fair and generous course to take; he was sure it was not one which would add to the honour and dignity of that House, or insure respect for their future debates; and certainly, from what he knew of their Lordships' rules, he thought his noble and learned Friend was greatly indebted to their forbearance for having been allowed at such length to indulge in irregular discussion.

Lord BROUGHAM was unwilling, after the lecture which had been administered to his noble and learned Friend near him, by his noble and learned Friend on the woolsack, on the irregularity of their proceedings, to persist in what seemed to him an irregular course. But he thought that when his noble and learned Friend had been for some time longer a Member of their Lordships' House, he would find by and by that regularity did not so much prevail in that House as—he was going to say—elsewhere; and he could not say it was as it ought to be both here and there. His noble Friend on the woolsack had designated the question of his noble and learned Friend as "extraordinary;" but if that question was extraordinary, his noble and learned Friend on the woolsack had certainly given what he must permit him to call an extraordinary answer. His noble and learned Friend had asked why this Bill had been brought forward in the House of Commons, instead of being more conveniently introduced into the House of Lords? The answer of his noble and learned Friend was this—"It is so; but I do not know why"—and his noble and learned Friend went on to say—"But I have no manner of doubt that we shall have the reason assigned when that Bill is brought into this House." He did not wish to enter into discussion upon the Bill, for it was a Bill which did not seem to have any existence at all; and as it had not been brought in, it could not be said to be embodied in the form of a Bill at all, and he should be unwilling to discuss an unembodied form—not a substance but a shadow. But whatever it was, its advocate, his noble and learned Friend on the woolsack said it was no Bill of his at all—that he had no responsibility for it, no concern in it, but that it was a Bill introduced by his noble Friend at the head of the Government in the other House of Parliament, for which reason it would be premature to enter upon any discussion of the question in their Lordships' House, and it would be more convenient to reserve all debate until the measure had existence, which it now had not, for it was in a crude and formless state. He (Lord Brougham) had no opinion whatever to offer now on the subject; though if he had any intention of stating an opinion it would be almost impossible to find words to express the contempt which a measure so abortive deserved. But he would say a word or two upon one point which his noble and learned Friend on the woolsack had avoided with the greatest care, and in which he felt sure his noble and learned Friend had borne no share whatever. He alluded to the proposition said to be contained in the Bill to strip the Lord Chancellor of his Church patronage, and transfer it into the hands of the First Lord of the Treasury. To such a design he would at least say that he should give his most positive and determined opposition. And he would say, too, that no Lord Chancellor—at least that he had known—had ever suffered his exercise of that patronage to be perverted to party or personal purposes. Their Lordships would permit him to add an allusion to his own case, when he had the honour of holding that high office, in regard to presentations of preferment to the church. But first he would remind their Lordships, as an instance of the dispensation of this patronage by Lord Chancellors, that the first living or stall—for it happened to be a stall—that was given by his noble and learned Friend near him (Lord Lyndhurst) on his accession to the woolsack, was presented to his reverend and much-loved friend Sidney Smith, who did not belong to his noble and learned Friend's political adherents, and therefore the circumstance was worthy to be remembered as an example of the impartial administration of this patronage by his noble and learned Friend. The first stall which he (Lord Brougham) had given away, and the first preferment he had given away upon his accession to office, was to one who was now a right rev. Prelate, but was not now present in his place in that House. He alluded to the Right Rev. the Bishop of Exeter. The next presentation he made was to the relative of a friend—not a political, but a professional friend—and now the Lord Chief Baron, but then the Conservative Member for Huntingdon. The third appointment was to one who might by accident have been a friend, a gentleman whose name was Coleridge, but who he believed was honestly and consistently opposed to him in political opinion. He would also say that he had made a wholesale sacrifice of his patronage, for he handed over to the Prelates all the livings held under the Great Seal, all the livings under 200*l.* a year to the Prelates—a proceeding which had been very much disapproved of by his political friends. He had been, perhaps, wrong, but he had done no harm to the Church.

This he knew, that this objection of his noble and learned Friend was very likely to be well founded, but it rather tended to show that the Church patronage of the Great Seal was far more likely to be perverted to party and political purposes when vested in First Lords of the Treasury than when dispensed by Lord Chancellors.

EARL GREY said, nothing could be more incorrect than to say that his noble and learned Friend had not answered the question. He had given a very good reason why the Bill was introduced into the House of Commons, rather than with their Lordships' House in the first instance; and that reason was, because attempts had been made to legislate on this subject, by various Governments, by Bills commencing in this House, and none of those Bills had gone down to the other House. That was a reason why the present Bill should begin in that House of Parliament; and the more he saw of the proceedings here, the more confirmed he was in the opinion, that the prospect of successful legislation, in a vast majority of cases, was greater, in regard to Bills introduced in the other House, in the first instance, than in this House. He believed, from the constitution of this House—and he had heard the same observation made by the noble Lord opposite (Lord Brougham)—it was essentially far more a House for the revision, than for the initiation of, legislation. He could hardly name a measure of any importance, passed of late years, which had not been begun in the other House; and there were many obvious reasons why that should be the case. The noble and learned Lord told his noble and learned Friend on the Woolsack, that, if he had been a little longer in the House, he would have known that their Lordships were not very regular in their proceedings. Undoubtedly that was too true; and he believed the noble and learned Lord might take credit to himself, almost exclusively, for having introduced that practice; because a disregard of the regulations of the House, which required that they should debate no question that was not immediately before them, dated from the period when the House received the advantage of the noble and learned Lord's presence. He had frequently attended the proceedings of the House, standing on the steps of the throne, in earlier days, and he had frequently witnessed that irregularities in their Lordships' proceedings were stopped with the almost universal assent of the Members, which now-a-days were matters of ordinary occurrence. He could, if it were necessary, mention many instances of this. But he thought, irregular as they were, it was a very great inconvenience to discuss a measure which was not before them to the extent they had done to-night, and especially when it had been thrown out, in the course of that discussion, that the Bill which was to come before the other House had been disclaimed by his noble and learned Friend on the Woolsack, as if he were no party to it. He appealed to their Lordships if his noble and learned Friend had said anything of the kind. Indeed, his noble and learned Friend could not have said so; because he believed he was telling no secrets when he said that the Bill bore as much of the impression of his noble and learned Friend's mind as that of any other Member of the Cabinet. In short, he believed that his noble and learned Friend had the principal share in framing it. But the noble and learned Lord opposite seemed to think that the Bill was not in existence, because it had not yet been delivered in a printed form to the Members of the other House. It was only a few days since leave was given to bring in the Bill; and it was matter of everyday occurrence, that, after leave was given to introduce a measure, some interval elapsed before the printed Bill was delivered. In a very short space of time the Bill would be in the hands of Members of the other House, and in due time before this House. There was only one word more he would say on what he thought a most important part of the measure—that with reference to the Church preferment. On that point, when the noble and learned Lord looked back to the transactions to which he had referred, he would find he had made a little mistake—a very natural mistake at this distance of time—as to the transactions which occurred immediately after the time when he received the Great Seal, as to the disposal of an important piece of ecclesiastical preferment. But, with regard to ecclesiastical patronage generally, he must own he was surprised to hear from the noble and learned Lord that that subject occupied so small a portion of the time of the Lord Chancellor. He told them that all the Chancellor had to do was, to decide between the claims of individuals—that it was done in a moment—that it occupied no part of his time. He (Earl Grey) was sorry to hear it. He was sorry to learn from the noble and learned

Lord that that was the way in which he discharged this important and responsible duty. His opinion, on the contrary, was, that an individual holding that high office, when a living in his disposal became vacant, was bound to weigh the claims of the different candidates, and not to content himself with merely looking at the official letters, and then handing them over to his Secretary, deciding the claim with a scratch of his pen; no, he was bound to read the letters which he knew the Lord Chancellor received, stating the qualifications of the candidate, his past conduct, and the manner in which he had discharged his duty in other livings. If this were properly done, it ought to occupy a large portion of the Lord Chancellor's time. Besides, there was an obvious and clear advantage in uniting all the ecclesiastical patronage in the hands of one individual; and, as the Prime Minister was the individual called upon to advise the Crown with regard to the elevation of clergymen to the Episcopal Bench, he was bound to make himself acquainted with the character, the piety, and the other qualifications of the rising clergy; and as this was his duty at all events, the disposal of this patronage might, and would be, a very small demand upon his time. There would be, therefore, a clear economy of time in putting the whole patronage of the Crown into one hand; and he must say, further, that, on constitutional grounds, he thought such an arrangement was highly desirable. They had not, to be sure, seen such things of late days; but, if they looked back to no very distant period, they would find that there had been Prime Ministers and Lord Chancellors who were seeking to strengthen their political influence against each other, and in that struggle ecclesiastical patronage was freely used. It appeared to him, therefore, to be extremely inconvenient that the ecclesiastical patronage of the Crown should be divided in the way it had been. But he had been led further on this point than he had intended. He meant, as far as possible, to adhere to the rule, which he thought was a wise one, that their Lordships should not discuss a Bill which was not before them; and, though he felt he had barely touched upon a point which could not have justice rendered to it, unless it was argued at much greater length, he thought it right, after what had fallen from noble and learned Lords, to guard himself to the extent to which he had done.

Lord BROUGHAM explained, and quoted the dates when he conferred the ecclesiastical patronage he had formerly referred to.

Lord LYNDHURST said, that he had never presented to a preferment without considering the letter of the applicant, and using every effort to make himself familiar with his case. But there was a great deal of formal correspondence; and that correspondence would take up a considerable portion of the Lord Chancellor's time if he conducted it himself: he threw it, therefore, as a matter of course, upon his Secretary; and if, after examining the claims of the different parties, he entertained a doubt upon the subject, he immediately addressed a letter to the bishop of the diocese, or applied to the College, for the purpose of obtaining information with regard to the claims of the party to the vacant preferment. So far as the Lord Chancellor was concerned, then, this occupied, comparatively speaking, but a small portion of his time. He now wished to know if there was a clause in the Bill of the Government to the effect that it should be in the discretion of the Master of the Rolls and the appellate jurisdiction of the Court of Chancery, whether appeals should be from them to this House, or not?

The LORD CHANCELLOR said, it was at one time under consideration whether or not appeals in matters of practice should be restrained. They never thought of going beyond that. But when he (the Lord Chancellor) came to inquire how many appeals on points of practice had occurred, he found they were so few that they were not worth legislation, consequently no such clause would be inserted in the Bill.

Lord REDESDALE would remind their Lordships that the reform of the Court of Chancery had formed part of the Queen's Speech, and yet two months had elapsed, while the Bill was not yet introduced into either House of Parliament. To comment upon such a circumstance in this House was perfectly regular, though to remark upon a Bill that was now before the other House of Parliament might not be strictly regular. But he rose to say that he thought the important point for consideration was the appellate jurisdiction of the House, and that, until that question was settled, for he presumed it was the intention of Her Majesty's Government to settle it, it would be useless to discuss what might be proposed in the Court of Chancery. If they would make that House what it ought to be, an efficient appellate jurisdiction, they would materially alter the position of the noble Lord who presided in it. What he would suggest would be to make this House, not as a House, for that would be impossible, but as an appellate tribunal, sit to hear appeals all through the year; and he thought this might be done without any violation of constitutional principles. Their Lordships were aware that questions affecting the right of individuals to sit in this House were determined, not in the House, but were referred to a Committee of Privileges, which reported its decision to the House, and the House confirmed that decision. Now, what he would propose was, to bring the appeals before an Appellate Committee of the same character as the Committee of Privileges, and he did not see that there could be any constitutional objection to allow that Committee to sit after the prorogation of Parliament. If that were once established they might then transfer to it the jurisdiction of the Committee of Privy Council and other courts of appeal, and make this House one great court of appeal, thus effecting a great saving in expense both to the suitors and the public. It was very plain that such an extension of their Lordships' appellate jurisdiction must of necessity affect the Court of Chancery, and therefore he trusted that the subject would be brought before them in sufficient time for the consideration, not only of this House, but of the other House of Parliament. But the measure which the Government had intimated their intention to bring forward, was not yet before the House of Commons. What chance had it of coming before their Lordships before the month of July or August? and he would ask their Lordships if it was fitting that they should be called on to consider a measure of so much importance at that time? He, therefore, thought that the discussion to-night was not out of place: he did not think it was at all disorderly; and he had only to say further that he trusted the noble and learned Lord on the woolsack would bring forward the question of the appellate jurisdiction of the House at an early period, and that he would not only move for a Committee to consider the subject, but that he would be prepared with a measure to submit to the Committee, so that they might proceed with all expedition.

Lord BROUGHAM said, that though his noble Friend was quite right in thinking that there was great convenience in broaching subjects which were not before them, because when a measure was brought formally before them it might then be too late for discussion, still he hoped it would not be supposed, because there was no argument in his noble Friend's plan for absorbing all other courts of appeal—even the Committee of Privy Council—and making this House the sole court of appeal; he hoped, he said, that because he (Lord Brougham) did not then state his fundamental objections to the whole plan, it would not be considered that he gave his assent to it in the slightest degree. An attempt of the same kind was made some years ago by his noble Friend the present Lord Chief Justice; but it was dissipated by the strong, powerful, and unanswerable arguments of his noble and learned Friend (Lord Lyndhurst), and there never had been an attempt to renew it since.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, March 31, 1851.

Minutes.] New Writ.—For Enniskillen, *v.* the Hon. Henry Arthur Cole, Chiltern Hundreds.

Public Bills.—1° Process and Practice (Ireland).

2° Marine Mutiny; Mutiny; Prisons (Scotland); Steam Navigation.

3ª Apprentices and Servants.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. HUME said, the House would recollect that on Friday night, after voting 98,714 men, a proposition was made to vote 3,521,070*l.* for the charge of the land forces. He was a Member of the Committee which had been sitting for three years upon the Army Estimates. In the Committee the most important questions would have to be considered with respect to the consolidating the department of the Ordnance, and the Sappers and Miners, with the Commander-in-Chief's office, and the doing away altogether with the establishment in Pall-mall. Questions likewise with respect to the Engineers, to the clothing, to the commissariat, and to agency, would have to be considered by this Committee; yet all these important subjects of investigation, of reform, and of economy, were involved in the vote of 3,521,070*l.*, which the Secretary of War asked the House to vote in Committee at once. It would be impossible to effect any reduction if they were at once to vote the whole of the money. He had proposed to the noble Lord at the head of the Government to take a Vote on account; but the noble Lord did not agree to that. He (Mr. Hume), therefore, now asked the House not to agree to this Estimate until the Committee had had the opportunity of coming to some conclusion on a subject so important. The right hon. Gentleman the Secretary at War had properly observed that in the evidence before the Committee they would find that almost every item had been fully discussed. That being the case, ought not the Committee to have an opportunity to decide upon that evidence? But there was another objection to this Vote. The Chancellor of the Exchequer had brought forward a Budget which had been pronounced by the whole country as altogether unsatisfactory, and the right hon. Gentleman had withdrawn it for a time in order to reconsider it. Inconvenience always resulted from a change of taxation, and it was the business of Government to prevent that as much as possible. Now, what was the situation of the country? The timber trade, the coffee trade, and the seed trade, all of which were affected by the Budget, were at a standstill. Seeing that, it was the duty of the House to demand the new Budget before the public money was voted. He had no objection that they should take a Vote on account if they would fix the day on which the Budget should be brought forward. He wanted to know whether it was proper that taxation should be kept up as it was when one great portion of the community, the agriculturists, were in distress? In 1836 the revenue amounted to only 46,000,000*l.*; in 1842 it was 48,000,000*l.*, and now it was 54,000,000*l.*, and, if they added the expense of collection, very nearly 4,000,000*l.*, it was 57,000,000*l.* It was on these grounds that he wished the Budget to be brought forward before they voted any money, in order that the House might have an opportunity of doing as they did three years ago—compel the Government to make a reduction. If they had permitted Government to have the supplies they then asked for, did they think there would have been a reduction in the Estimates of more than 3,000,000*l.* since that time? No; not a farthing of it. He moved that no further supplies be granted till the financial statement was made.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words, 'no further supply be granted until the Financial Statement has been made,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. S. CRAWFORD seconded the Amendment.

The CHANCELLOR OF THE EXCHEQUER said, the object of his hon. Friend the Member for Montrose, as far he could understand it, was to obtain a repetition of the pledge which his noble Friend had given on a former occasion that the financial statement should be made on Friday next. He could assure his hon. Friend that there was no man in that House so anxious that that statement should be made as he (the Chancellor of the Exchequer) was, because he was anxious to say what he had to say in explanation and defence of the course he had adopted. Unless any unforeseen circumstances should arise which he suggested as a contingency, the Financial Statement would be made on Friday next. There had been no delay on his part. But his hon. Friend knew as well as he did that a considerable length of time had been occupied by the discussion of a measure in which an overwhelming majority in that House had by their votes shown they had great interest. His hon. Friend knew that the financial year closed that day, and from that day forward no money could be issued from the Exchequer for the payment of the Army, Navy, and Ordnance, until it had been voted by the House, and therefore it was requisite that these Votes should be come to on that day. His hon. Friend must know that whether the statement was made on that day or on Friday, it was perfectly impossible that the points to which he had referred then could be decided. A considerable time must be occupied in the discussion of those various points, and it was impossible that either on Friday or on Monday those points could be settled. If, therefore, his hon. Friend was really anxious, as he believed him to be, to despatch public business, he would allow them to proceed with that which really was the business of the night.

MR. ELLICE said, as a Member of the Committee to which his hon. Friend the Member for Montrose had referred, he would entreat his hon. Friend not to proceed at present with the Motion which he had made. He quite agreed with his hon. Friend that the Committee would have wasted its time if certain improvements were not the consequence of the inquiry before the Committee, and that when the other Votes came under consideration it would be the duty of those who sat on that Committee to press on Her Majesty's Government the necessity of considering whether, by consolidating the establishments and other arrangements, considerable economy could not be effected both in this country and the colonies. He hoped his right hon. Friend the Chancellor of the Exchequer would be prepared to tell them that Government had had these subjects under consideration; and as the particular Votes came before them he would state the opinion of the Government on the subject. He thought the Committee generally agreed that a consolidation of these offices might safely take place in the colonies, and it was of importance that they should have the opinion of the Government on the subject. But the Vote which the right hon. Secretary at War was about to bring before the House was one for the pay, clothing, agency, and foraging of the Army; and, do what the House might, money would have to be paid to maintain our troops. A division on this Vote would, therefore, only be a waste of the time of the House.

Mr. W. WILLIAMS said, his right hon. Friend the Chancellor of the Exchequer had entirely mistaken his hon. Friend the Member for Montrose. The complaint was, that the right hon. Gentleman had not made his statement before the Votes for the Army, Navy, and Ordnance, were asked for. He was astonished that the right hon. Gentleman had not some compassion on those important trades—the Timber trade and the Coffee trade, which were now quite at a standstill. He had no hope whatever that any good would come of the recommendation of the Committee which had been sitting for three years. Whatever they recommended, he did not believe Government would pay any attention to. The present Government required 20,000 men more for our forces than any former Government had; and if the noble Lord could not carry on the Government as economically as other Ministers could, the House must insist upon his doing it.

Mr. S. CRAWFORD cordially supported the Motion of his hon. Friend the Member for Montrose. He thought it was a principle that the House should insist upon, that the means of defraying expenditure should be stated to, and determined upon by, the House before they agreed to the expenditure. That was a principle they ought most particularly to insist upon under existing circumstances. The Budget which was brought in at the commencement of the Session was so objectionable that the people would not have it. They ought to know what the alterations were before they agreed to any Votes. He thought that there ought to be only a Vote on Account. There were other reasons. It was an established axiom of the constitution that the representatives of the people should have some satisfaction with regard to the redress of grievances before they voted any money. With regard to the question of reform, the noble Lord had made a kind of promise that that question should be considered in the next Session of Parliament; but they did not know whether the measure to be proposed would be of any value or not. The noble Lord had said, he was satisfied with the working of the Reform Bill, and that a franchise founded on numbers would be dangerous to the House of Peers. He wanted to know what kind of a measure the noble Lord, with these fears, would bring in. He also wanted to know what the noble Lord intended to do with the measure proposed by the hon. Member for East Surrey, and whether the noble Lord's measure would include the ballot or not. Then there was another important grievance connected with Ireland, the question of Landlord and Tenant. That question had been held in suspension by Government for years, and he wished to know whether they really intended to bring forward a Bill this Session or not. These were questions which he, as a representative of the people, was entitled to put, and if answers were not given, he hoped his hon. Friend the Member for Montrose would press his Motion.

Mr. MOWATT said, he understood his hon. Friend the Member for Montrose had already stated that, supposing the Government fixed a day definitively, he did not intend to press his Motion to a division; and the right hon. the Chancellor of the Exchequer had given an assurance that he would make his statement on Friday next. Both the right hon. Gentleman the Member for Coventry and the right hon. Gentleman the Chancellor of the Exchequer had given as a reason for proceeding with the Vote, that this was the last day on which money could issue from the Exchequer for the payment of the troops. He was surprised that any Member of the Government should bring forward such a reason as that. He denied that it was an argument, seeing that the remedy was in their own hands. Why had they not gone into Supply two months ago? It was quite true there had been a Bill, which, as the right hon. Chancellor of the Exchequer had said, an overwhelming majority of the House had taken great interest in, but it had not occupied the whole of the Session.

MR. WAKLEY said, he did not understand the right hon. Gentleman the Chancellor of the Exchequer to give a distinct pledge that the financial statement should be made on Friday next. What the right hon. Gentleman said was, that if nothing unforeseen occurred, he would make it. He did not think the terms made use of by the right hon. Gentleman were sufficiently distinct. He wished to know whether it was really his intention to make the statement on Friday next? He could assure the right hon. Gentleman that there was a great deal of dissatisfaction on the subject, and he did not know why the statement had not been made before, seeing that the right hon. Gentleman was himself so anxious to make it. The right hon. Gentleman had made in that House a distinct proposal for the repeal of the window tax, and the public thought that that tax was virtually repealed.

The CHANCELLOR OF THE EXCHEQUER thought he had been sufficiently explicit. His noble Friend had stated, that on Friday he (the Chancellor of the Exchequer) would make his financial statement. He (the Chancellor of the Exchequer) had just stated again that he should do so; and he now stated, for the third time, that he should bring it on on Friday next.

MR. HUME said, he would withdraw his Motion.

Amendment, by leave, *withdrawn.*

Main Question put and *agreed to.*

SUPPLY—ARMY ESTIMATES.

House in Committee of Supply; Mr. Bernal in the chair.

1. Motion made, and Question proposed—

"That a sum, not exceeding 3,521,070*l.* be granted to Her Majesty, for defraying the Charge of Her Majesty's Land Forces in the United Kingdom of Great Britain and Ireland and on Foreign Stations (excepting India), which will come in course of payment from the 1st day of April, 1851, to the 31st day of March, 1852, inclusive."

MR. HUME said, the House would recollect that during the last two Sessions they had adopted the course of giving a Vote on account. If that course were taken now, there would be time to consider the recommendations of the Committee before the Session was closed. He should therefore move as an Amendment, that 2,000,000 be granted on account.

Motion made, and Question put—

"That a sum, not exceeding 2,000,000*l.*, on account, be granted to Her Majesty, for defraying the Charge of Her Majesty's Land Forces in the United Kindom of Great Britain and Ireland and on Foreign Stations (excepting India), which will come in course of payment from the 1st day of April, 1851, to the 31st day of March, 1852, inclusive."

MR. FOX MAULE said, on former occasions he had not the least objection to taking a Vote on account; and on this occasion, if he saw any advantage to be gained by adopting the Amendment of his hon. Friend, he should not have the least objection to it; but he did not believe that any advantage would result from having again to go into Committee of Supply on this Vote. It was true the Committee upon Naval and Military Expenditure had yet to make their Report upon the various subjects on which they had been engaged taking evidence during last year; but he did not think that any recommendation of theirs could be carried into effect within the present financial year. The only thing he could promise would be that the Government would be prepared to adopt any recommendation of the Committee in the ensuing year. He, therefore, thought the House would save its time by at once agreeing to the Vote.

MR. MOWATT asked if the right hon. Gentleman would give the Committee some explanation with reference to the troops for the colonies. The Committee was aware that within the last few days there had been published copies of the correspondence that had taken place with reference to withdrawing the troops from New South Wales. That correspondence had been going on for some years, and he believed commenced as far back as 1846. He wanted to know if the right hon. Gentleman would give some information on that subject; for if they were going to withdraw the troops from the colonies, they might reduce the Army without impairing its efficiency. He had had no opportunity of drawing attention to this subject on Friday evening, because the Government had put down every Member who had attempted to say a word. The Government took advantage of the disposition of hon. Gentlemen on the other side of the House not to permit any discussion. It was only a little while ago that the noble Lord at the head of the Government had made an appeal *ad misericordiam* to that large portion of the House who supported the same commercial policy as himself, to lay by all minor differences; and he was therefore surprised that the noble Lord should have treated liberal Members in the manner he did. It would have been better policy, even for his own sake, that he should have allowed a full discussion on such a subject, for it was one in which, he must admit, the county took a vital interest. One would have thought that he would have encouraged — nay, that he would have used his authority to have obtained—a fair hearing for all. The House would, no doubt, have given him everything he wanted, even if he had asked for twice as large a force; and therefore he (Mr. Mowatt) felt perfectly astonished that he should have sanctioned the treatment which his hon. Friends had received. He had no hesitation in saying that he felt himself personally aggrieved that the noble Lord should have had recourse to such arts to prevent any hon. Member from expressing his opinions on the subject. After such conduct, he cared not how soon the noble Lord might find himself again in the position in which he was a short time ago, and from which he had so lately emerged. He was in hopes the noble Lord had seen that the position in which he had lately found himself was owing to his neglect of those common courtesies which were due from a Minister of the Crown. To complain of Members walking out of the House! Why, he would walk out of the House with pleasure that night if he saw a question involving nothing more than that of the existence of the present Ministry. He wished to know when it was the intention of the Government to carry out their own proposition with reference to the withdrawal of troops from New South Wales and other colonies, only requiring them as police?

Lord JOHN RUSSELL said, that his right hon. Friend the Secretary at War had gone at considerable length into various questions connected with the Army; and he had endeavoured to show what reductions he thought proper to make, as well as why it was thought necessary that so large a force should be retained. He (Lord J. Russell) really did not understand what the hon. Gentleman meant by his charge against himself. ["Hear, hear!"]

Mr. MOWATT said, that a large portion of the hon. Gentlemen who cheered the noble Lord were not present on the occasion referred to, and therefore he could not bow to their decision on the point. The Committee would perhaps allow him to explain. The noble Lord would recollect that between twelve and one o'clock on Saturday morning, there having been only three Gentlemen who had made any observations upon the Estimates, it became very evident that the Committee—he would not pretend to investigate or analyse the cause—refused to hear any further observation or argument whatever upon the subject. Upon that the hon. Gentleman the Member for Montrose (Mr. Hume) said that in addition to the unusual course of granting after twelve o'clock so large a vote as 3,000,000, the Committee was wholly indisposed to allow any discussion to take place. Upon that the noble Lord rose and said that they (the Liberals) were very unreasonable. He (Mr. Mowatt), for one, had not opposed the first division—with reference to the number of men, feeling that the period was drawing so near when the Army could not be kept together any longer unless the money and the Mutiny Act were voted. He therefore felt more strongly the unfairness of preventing the further discussion of the subject. He did not mean to say the noble Lord had himself joined in the interruption—looking at the position he held, it could not be expected that he would—but the noble Lord appeared to receive the interruption with much pleasure. He therefore did think that he was not abusing language when he said the noble Lord availed himself of the obstruction to prevent their expressing their opinions.

Sir De L. EVANS wished to ask a question with reference to the allowance to married soldiers. He had understood the right hon. Gentleman to say he would reduce the number of men to whom such allowance was paid, and increase the sum to each; that then he would wait to see what would be the result upon the morality of the troops; and that he would afterwards consider the expediency of extending the grant. He was anxious to know whether the grant would be made to the six married men in every regiment?

Mr. FOX MAULE was understood to reply, that it was intended to diminish, as far as possible, the objectionable practice of married men occupying the same room with unmarried. Now, if he recollected what he stated in evidence, it was this, namely, that he was aware the allowance was insufficient for the purpose of providing them separate accommodation. He proposed, therefore, to double the amount of the sum; and he intended to ask the Committee to double the grant for that purpose. At the same time, he thought that if, by increasing the allowance, three of the soldiers might be withdrawn from the room, accommodation might be found for the other three without making them the allowance.

Mr. MOWATT wished to know how many regiments there were in the colonies, and when it was intended to reduce them?

Mr. FOX MAULE, in reply to the question of the hon. Member, begged to state, that the force in New South Wales had been in course of reduction for several years; and that Earl Grey had intimated a desire, on the part of the Government, that it should in future be kept as low as the wants of the public service would admit.

Mr. HUME must complain that opportunities for bringing on subjects were very rare. He had been trying for three years to bring on a single question, namely, the reduction of the number of admirals from 155 to 100, but without success. Their only chance was in going into Committee of Supply; and, therefore, he wanted hon. Members to interest themselves in these very expensive establishments. He wished to know whether the time had not come when they ought to consider how they could maintain these 98,040 men at the least possible cost, consistently with the efficiency of the force? Why should they, then, keep 351 Guards at home, with an allowance of 32 officers, when they had only 40 officers for 1,000 or 1,200 men engaged in active service abroad? The aristocratic influence, however, was so strong, and their interest in keeping up this useless expense was such, that Government never would alter the system unless the House took the matter into their own hands. He found, on looking at the estimates, the following analysis of our troops: It appeared that we had 98,714 men, of whom 1,300 were Life Guards, 7,000 Cavalry of the Line, and 5,000 Foot Guards; and in these regiments there were double the number of officers in proportion that there were in the rest of the Army. The Household Troops were never called upon to engage in active service, except on some extraordinary occasion, like Waterloo, or in putting down some trifling disturbance, perhaps once in 10 or 12 years. And yet they had as many as 10 colonels for 300 men. He thought it was not right that any particular corps should be called Life Guards; but that every regiment should take its turn of duty at Court, and that all should be placed on exactly the same footing. Was it not very discouraging to the rest of the Army that these men, who did little or nothing besides displaying their uniform, should possess such superior advantages over men who had spent their lives in the service of their country? It had been said that "a soldier leads a merry life;" but he had seen quite enough of service to know that it was often very unsatisfactory and unpleasant. It was, therefore, a most injurious and unfair thing that the bulk of the troops should be treated in a different manner than the Guards. It had been said that the British Army was the finest in existence. He hoped it was so; and if it was, let them do justice to all parts of it. Let some regular system be adopted which would not confine all the benefits of the service to these 15,000 troops, but extend them equally to the whole 98,000. The fact was, however, that there were so many hon. Members connected with the Army, that they dared not go into the question. He presumed that they were afraid. He believed that such an equalisation as he had been speaking of would greatly contribute to the *morale* of the Force. The Guards were not expected to provide for themselves like other people; but a table was provided for them at St. James's, which cost 5,000*l.* a year: and this and other privileges had made them look upon themselves as if they belonged to a superior order of beings. He felt himself bound to protest against the whole system. He would have no pet corps; but he recommended the Austrian plan to their consideration. It would not, perhaps, be judicious to talk too much about the Indian army; but he would venture to say, that there had never been a more useful force. In that too, there was no pet corps;

but every regiment, from No. 1 to No. 50, took its turn of service, underwent the same fatigues, and had the same chance of distinguishing itself. But the fact was, the aristocratic interests had entered too much into the question; and it was, therefore, high time that steps should be taken to effect a reform. The Guards were completely smothered with patronage. Being always at home, they could look after every thing that was to be given away; and so they were often preferred before men who were risking their health, and even their lives, abroad. He considered that the Army was treated ill, and that both the Government which permitted, and the House of Commons which acquiesced in such injustice, were equally to blame. He had taken a great deal of trouble to get the table provided for the Guards to which he had alluded a little changed; but it still stood in much need of alteration. Another subject to which he wished to refer, was the purchase of the forts from the Dutch on the Gold Coast. Those forts had cost 20,000*l.*; and we paid 11,879*l.* a year for the troops, in addition to which, artillery and stores had to be reckoned—making a total annual expense of 20,000*l.* He wished to ask, whether Earl Grey had had any communication with the Governor of Canada, with the view of relieving us from the burden of troops in that part of our North American possessions. The exorbitant expenses of our colonial corps in Canada would appear from comparing the estimate for the Royal Canadian Rifle Regiment with that of the Royal Newfoundland Companies; the latter was only 9,203*l.* 10*s.* 2*d.*, while the former amounted to 31,358*l.* 7*s.* 1*d.* The expense of the Ceylon Rifles was 51,000*l.*; and without referring to the scenes which had taken place there, he submitted that a great saving might be effected in that island. Canada, he would submit, was a mixed population, but he would extend to it the system on which the Government had decided to act with respect to Australia, namely, to withdraw from it the whole of the troops. Canada was much better able to bear such a policy than Australia. The British Government had done much more for it. It had given it self-government, crown lands, and everything, and it was quite capable of maintaining its own Army. Nevertheless he found the expense of the military establishment in our North American colonies was no less than 800,000*l.* a year. Gentlemen might talk as they pleased, but it was impossible that the country could be relieved from taxation so long as they spent between four and five millions a year more upon our armaments than they formerly did.

Mr. VERNON SMITH complained that the Debate was very irregular; and that the hon. Member for Montrose (Mr. Hume) had been speaking neither to the original Motion nor to the Amendment. He, for one, must deprecate the practice of taking Votes on account. The result he had always found to be, that when the first part of the sum was taken, the discussion was postponed; and of course when the other part was asked for, it was always too late to debate upon it. Thus there was no discussion either at one stage or the other. His right hon. Friend the Secretary of War quite chuckled at the idea, and certainly the notion of promoting discussion by taking a Vote on account was the strangest course he had ever heard of. He did not think that the Committee which had been referred to, supplied any reason for a Vote on account. He thought the Committee might be able to report this Session upon some matters, as to the question of the consolidation of offices, with regard to which their opinions might influence the decision of the House, and he therefore considered it advisable that such Votes should be for the present postponed.

Mr. FOX MAULE said, his intention was to proceed with the Army Estimates in the usual way, and to submit each Vote *seriatim* to the Committee, and he saw no reason why they should take the Vote now before the Committee except as a whole. He agreed that the system of taking Votes on account tended in general to stifle discussion; but the hon. Member for Montrose, although he proposed in this instance that a Vate on account only should be taken, had gone into the whole question. With respect to the hon. Gentleman's objection to the maintenance of the Guards, he entirely differed from him for various reasons. In the first instance, he looked upon the Guards as part of the state and royalty of the Monarch. In the next place, he looked upon them as the guard of this vast and wealthy metropolis; and with respect to the proposition of the hon. Member to make all the regiments do duty at Court in rotation, he believed that the proposition would meet with general opposition from the Army itself. The officers, though they had to live in London, had only a trifle higher rate of pay than officers of the line; and having no barracks, they had to find their own lodgings. Another point in favour of the Guards was, that, from their almost constant residence in London, they were completely acclimatised, while it would be found that whenever a regiment of the line was brought to London the number of deaths was far greater in proportion, owing probably to the change in the habits of life of the men, than the deaths among the Guards. He might also remind the Committee, that whenever it had been necessary to send troops abroad on an emergency —as in the case of the expedition to Portugal, and the reinforcements required for Canada at the time of the insurrection—the Guards had been assembled and sent off at a few hours' warning, and had discharged their duties in the most satisfactory manner. For these reasons he looked upon the Guards as a force which ought to be retained. With respect to the Gold Coasts, the fact was that half a West India regiment was stationed there, and another regiment had been sent to relieve them. The cost, instead of being 11,000*l.*, was only 6,000*l.* As to Ceylon, he could not enter into that question fully without raising the whole discussion, but he would say that we got more from Ceylon than from any other of our colonies.

MR. HUME said, he did not wish to cast any reflections on the Guards, he only meant to say that the other troops were as good. He had complained of the number of officers, and the consequent increased expense of the Guards; and to that the right hon. Gentleman made no allusion. The right hon. Gentleman had hinted that it would be very inconvenient for officers of the line to come to London to do Court duty. He should not wonder if it was under the present system by which the Guards were looked on as a superior race, and whose example the officers of the line might feel it necessary to emulate. But it would not be a very difficult matter if it was established as a regular routine of duty. He was ready to admit the great forbearance of the Guards in times of popular disturbance, but here again he denied that they had behaved better than the other troops. The expense of British troops was nearly double that of the same number of troops belonging to any other country in the world. He could not see what objection there could be to taking a Vote on account, and leaving an opportunity for further discussion.

COLONEL REID said, he must deny that there were more officers in the Life Guards than in the regiments of cavalry of the line. It was the rule that no small detachments of soldiers should do duty in the metropolis except under the command of a commissioned officer, and this rendered a great number of officers necessary. The officers of the Guards, he maintained, positively served the State gratuitously. They paid largely for their commissions; and after deducting the interest of the money, and taking into account the regimental charges, there was positively not a farthing of their pay at the disposal of the officers.

MR. MOWATT hoped to have some further explanation, not only with reference to the troops in New South Wales, but also as to those in Canada. The reduction of these troops would be a legitimate means of reducing the number of the Army without impairing its efficiency; within the last two or three years two regiments had been withdrawn from New South Wales, which had virtually increased the numbers of the Army, just as though they had voted 2,000 additional men in the Estimates. From his acquaintance with New South Wales, he was convinced that the greatest boon and advantage they could render to that Colony was to take away every soldier. When that was done, the Home Government would be compelled to give the colonists what they had been so long promised—the management of their own affairs, and they would then flourish and progress in a ratio of which no idea could now be formed. The Colonies would then become what they were intended by nature to be—the real outlets for the productions of this country. He wished to know whether the remaining troops were to be removed from New South Wales; and if not, whether this country was to be relieved altogether from the cost of their maintenance? Earl Grey, in his despatches, pointed distinctly to the intention on the part of the Home Government to throw the cost of the troops on the colonists themselves. He wished to know the number of troops left in New South Wales, when they were likely to be removed, and when the same system would be applied to Canada?

MR. FOX MAULE was understood to say that the number of troops now in New South Wales had been reduced, as far as the Government deemed necessary. Earl Grey had been gradually reducing the number; and it was at present as low as it had ever been. It was not intended entirely to withdraw the troops from New South Wales, and he doubted whether the feeling there was in favour of their removal. He had invariably found, whenever it was proposed to remove troops from any place, either at home or abroad, that the inhabitants complained of a vast source of profit being taken from them. It was not the intention of Government at present to remove those troops; but he trusted the time would come when it would be possible to do so. In Canada, they were not prepared at present to reduce the troops any further.

Colonel DUNNE said, the large proportion of officers in the Guards was most unjust. The evidence taken before the Committee on the Estimates showed that, in the Guards, the proportion of superior officers to the men was 1 to 74; while in the cavalry it was 1 to 337; and in the regiments of the line 1 to 617. That was a most unjust disproportion; and the result was, that the higher ranks and rewards of the service were given chiefly to Guardsmen. The pay of a colonel of the Guards was 496*l.*; allowances, 127*l.*; making a total of 623*l.*: whilst those two sums in the line only amounted to 331*l.* In the Guards majors of the highest class received 670*l.*, of the lowest 552*l.* 16*s.*, besides allowances. The captains in the Guards, who were lieutenants-colonel, received in pay and allowances 434*l.*; in the line it was 239*l.* 10*s.* 6*d.*, and the former had also the advantage of the stock, purse, and other allowances. It was said the officers in the Guards paid more for their commission; but they got the advantage in rank and higher pay. Putting all these things together, it would be found that they were a very expensive corps. It was most unjust to the officers of the Army that there should be 68 colonels and lieutenant-colonels in the Guards; while in the whole Army the proportion was only 1 to 610. He did not complain of the rank in the Horse Guards, but only in the Foot Guards. Nor did he complain of the way in which the duty was done by those regiments in London; though there were some duties, such as attending the theatres, which might be dispensed with.

Mr. MACGREGOR wished to make some observations on this as a financial question. Considering that 3,000,000*l.* of the taxes were involved in that Vote, he thought it would be trifling with the constitution to pass it hastily. The statement of the right hon. Secretary at War was as satisfactory as any he had ever heard; still he thought it possible greatly to reduce the amount of the Vote by limiting military duty in this country and also in the colonies, especially in the North American colonies. No force which could be sent out to those colonies could make them continue their loyalty, unless they were determined to do so, which he believed was the case. In the Canadas alone there was a militia of 120,000,000 men, all as good shots as any in the British Army. In addition to these, a few companies of regular troops stationed at Montreal and other large towns would be amply sufficient. In New South Wales, 100 or 200 men would be quite sufficient. He did not believe that the inhabitants generally had any wish for the retention of the troops on account of the money they spent. In Ireland, exclusive of the regular troops, there was another army in the shape of the constabulary force. Why should Ireland have a greater number of troops, in proportion to its inhabitants, than Scotland? He was certain the number of troops in Ireland might be considerably reduced. He was glad the House had had an opportunity of discussing this Vote, instead of passing it in an intemperate manner at half-past one on Saturday morning. He saw no advantage in dividing on the Amendment of the hon. Member for Montrose, as it was sure to be negatived. He regretted to see that the disposition of the House was such, that if they did anything more rashly than another, it was voting away the public money. He hoped the Government would apply themselves to economising the army expenditure; by so doing they might easily effect a saving of 25 per cent.

Mr. HUME said, it was his intention to divide the House on his proposition to vote 2,000,000*l.* of this Vote on account, so that they might leave the rest of the amount to be discussed later in the Session, and after they had the Chancellor of the Exchequer's Budget. They could have no reduction of taxation without first reducing the expenditure; and he had yet hopes of making, this Session, a large reduction in their extravagant military expenditure.

Colonel LINDSAY could not allow the remarks of the hon. and gallant Member for Portarlington (Colonel Dunne) to pass without expressing his dissent from them. The hon. and gallant Member said there was a difference between the emoluments of the officers of the Guards and the line, to the disparagement of the latter. Now, he did not mean to say there might not be a fraction or so of difference between the two, but it was so small that it could not be any grievance. The rank at present enjoyed by officers of the Guards had been given them at a time when there were only seventeen regiments in the Army, of which eleven were only raw levies, hastily raised by noblemen to resist the Duke of Monmouth. While the Guards had only one field officer commanding a battalion, in the line there were three, and instead of that making one officer to 677 men, it really made it only one to 283. Allusion had been made to the allowances for hospitals; but the fact was, the officers of the Scotch Fusilier Guards had built their own hospital at a cost of 6,000*l.*; and his own regiment was about to lay out 1,000*l.* for a similar purpose, which would not cost the country sixpence. Deducting all the allowances and necessary expenses, the net pay which a lieutenant-colonel of the Guards received was 38*l.* 3*s.* 9*d.*; in the line it was 83*l.* 5*s.*: a captain in the Guards, 42*l.* 17*s.* 6*d.*; in the line, 121*l.* 7*s.* 11*d.*; a lieutenant in the Guards, 31*l.* 6*s.* 8*d.*; in the line, 83*l.* 12*s.* 6*d.*; an ensign in the Guards, 40*l.* 7*s.* 6*d.*; in the line, 73*l.* 6*s.* 3*d.* The net pay, together with allowances for a commanding officer (the major), in the Guards, was 205*l.* 11*s.*; in the line, 209*l.* 7*s.* The allowance for lodgings for officers of the Guards was only 12*s.* a week, which in London would get them little better than a garret. The hon. and gallant Gentleman then referred to a return moved for by the hon. Member for Montrose, the purport of which we understood him to state to be that the cost to the public of each battalion of the Guards was 1*d.* less per man than the troops of the line; and he concluded by assuring the House that an examination of the official documents before them would fully show that the country had no cause of quarrel with the household troops on the score of their expense.

COLONEL ESTCOURT wished to draw the attention of the right hon. Secretary at War to the injustice of withholding good-conduct warrants from sergeants in the Army: 1*d.* a day extra was paid to the private who had obtained a warrant for five years' good conduct in the service, and at the end of ten years the extra good-conduct pay was increased another 1*d.* a day. This was the case with the private soldier, and when the private was promoted to be a corporal, good-conduct pay was also allowed in addition. But when the corporal was raised to a sergeant, it was said it must be understood that he was a man of good conduct to be entitled to such a promotion, and from the moment he became a sergeant all extra pay for good conduct was taken from him. That, he thought, was an inequality which ought not to be permitted.

COLONEL DUNNE begged to be allowed to explain. There were 68 lieutenant-colonels for the Guards, and only 158 for the whole of the line. That he had called a hardship to the line, and he would repeat it. But the hon. and gallant Member for Wigan (Colonel Lindsay) had considered the majors of the line as if they were lieutenant-colonels. Now, what he (Colonel Dunne) complained of was, that the captains of the line were not allowed to rank exactly like the captains of the Guards. With regard to the amount which the hon. and gallant Officer's regiment had to pay for its hospital, what he (Colonel Dunne) had to say was, that he thought the Government ought to provide these sums for building and repairing hospitals, and he thought Government ought also to provide the Guards with barracks, as they did for all other troops. He wished unfair advantages to be given to none. He did not object to the Guards receiving more pay, because their living in London was an excuse for it; but they ought not to have superior advantages to all other regiments serving in every part of the world.

MR. HENLEY wished to know whether the 94,961*l.* which the right hon. Secretary at War mentioned on Friday night as the amount of deposits in the military savings banks included the amount paid in to the benefit societies abolished by the Act which passed a year and a half ago; and whether there should not be some account of the disposal of that benefit society money?

MR. FOX MAULE said, that according to the return for the year 1850 the number of depositors in the savings banks had been 7,859, and the amount deposited had been 94,961*l.*; but that return comprehended neither those interested in the benefit societies, nor the funds belonging to them. The money belonging to the benefit societies was lodged in the public funds, and was administered on the recommendation of the commanding officers, with the consent of the Secretary at War. He could have no desire to conceal the manner in which the funds had been disposed of, and he should be quite ready to give an annual account of the way in which they had been expended. With regard to the remarks which had been made on the position of the serjeants, he had to observe that that was a point of very considerable importance, for it was one which related to the interests of a most meritorious class in the British Army. Various complaints had been made of the treatment of the serjeants, and some of those complaints he was disposed to think were well-founded, while others were not so well-founded in his opinion. It should be remembered that many of the serjeants had been but a few years in the Army when they had been raised to that rank, and that, after having attained it, they might become serjeant-majors; and as serjeant-majors were every year being promoted to the rank of ensigns, the highest positions in the Army afterward became open to them. It had been alleged that the serjeants were subject to a higher charge for messing, clothing, and other items of expenditure than the corporals and privates. But they enjoyed the benefit of a better style of messing, reading-rooms, and other comforts; and if they had not so large a residue of pay as they ought to have in comparison with the corporals and privates, those advantages counterbalanced the reduction. In his opinion, therefore, that complaint was not well-founded. But it was said that serjeants not only did not get good-service money, but that, if for any reason they were reduced to the ranks, they were not entitled to the good-sevice allowance, while the same rule did not apply to corporals. In that respect he admitted that the serjeants had some ground of complaint, and he proposed to make some improvement in the system. There was another point, also, on which he thought the serjeants had a right to complain. A serjeant could not retire on a pension as serjeant unless he had for three years filled that rank. Now the number of serjeants who had served for less than three years in that rank was very inconsiderable, and he was not disposed to deprive the few who might so retire of the right to the usual pension of their comrades.

Sir De LACY EVANS said, he thought that officers of the line laboured under one manifest disadvantage as compared with officers of the Guards. It had been repeatedly stated by the highest authorities before Committees of that House, that the higher ranks in the Army were obtained in the Guards in about eight or ten years less time than in the line; so that on an average about twenty years' service on the banks of the Thames was equivalent to thirty years' service on the banks of the Sutlej or Kaffirland. In his opinion there was a real grievance in that case. His hon. Friend the Member for Montrose had complained that the British Army cost more in proportion to its numbers than any other army in the world. Now, there was no doubt but it was a costly Army; but it should be remembered that it was subject to many expenses which were unknown in the armies of other countries, and that no other army went through anything like the same amount of work. The practice of purchasing commissions was a heavy charge on the British officers. He could pledge himself to the House that the amount of money they had so paid was near 10,000,000*l*. He had always opposed the system of purchasing commissions; but it should be acknowledged that it was an economical one for the country. Under that system officers sold their commissions to other officers, and the public was by that means saved the charge of many a pension.

Sir H. VERNEY said, that officers of the Guards were not always men who led inactive lives. Colonel Mackinnon, who was at present entrusted with so important a command at Kaffraria, was one of those officers; and officers of the Guards did good service on the Sutlej. He did not deny that officers in the Guards obtained promotion more rapidly than officers in the line, but the latter officers did not complain of that. With regard to the expenses of the two kinds of service, he should observe that a return had been made out some years ago of the cost of maintaining 1,200 men in the line, and 1,200 men in the Guards; and he believed, that if that return were produced, it would be seen from it that there was but a very slight difference in the two charges.

Mr. GRENVILLE BERKELEY said, that as a former officer of the line, he could say that he believed there was not the slightest jealousy between the line and the Guards.

Colonel CHATTERTON begged to introduce again to the notice of the right hon. Gentleman the Secretary at War, the case of that most deserving body of men, the sergeants in the Army. He thought they were hardly, if not unjustly, used, in not having their good-conduct pay continued when they gained their promotion, which they had so dearly earned. In fact, their situation when promoted was much worse than that in which they were placed when holding the rank of corporal, if with three or four badges. The right hon. Gentleman had talked of the spare money of the sergeants of the Army; but that was a fund which existed only in imagination, inasmuch as they were obliged, by the regulations of the service, to pay a soldier one-and-sixpence a week for horse-cleaning; they were compelled to join a mess; and the clothing they were obliged to procure was of a more expensive quality. He therefore trusted that the right hon. Gentleman would take their case into consideration, and, before the next Estimates were presented, would grant them the money taken away on promotion, and give them something more to hope for than a chance of the 2,000*l.* voted for distinguished services, when there were 7,171 expectant sergeants, amongst whom it had to be distributed. He begged also to call the attention of the right hon. Gentleman to the large sum of tenpence stopped from soldiers when in hospital. On a soldier going out of the hospital he was rarely placed on full diet, but upon half a spoon diet, the former costing about 5*d.*, and the latter 4*d.* How great an injustice to the soldier it was, that at the period when the cost of his maintenance was less, he should suffer such an enormous reduction from his pay! The public purse was certainly a gainer, but the poor soldier suffered much afterwards from his reduced funds, and was rendered unable to purchase any little extra comforts to aid his returning strength. He suggested that the stoppage ought not to be more than sixpence.

Mr. HENLEY said, he believed the right hon. Gentleman the Secretary at War would find, on further examination, that a sum of 9,600*l.* was included in the sum of 94,961*l.*, which the right hon. Gentleman had stated as the amount in the military savings banks. It certainly appeared so in the return which had been signed by the right hon. Gentleman itself. He could not, however, tell how far that fact would affect the number of depositors; but the right hon. Gentleman would probably give them some information upon that point on some future occasion.

Mr. HUME said, that the statements which had been made with respect to the position of the different corps, showed that the Government ought to take the matter into their hands with a view to place it on a more satisfactory footing. Another point to which he should direct the attention of the right hon. Gentleman, was the cost of the recruiting system, which at present amounted to more than 100,288*l.* It had been proved before the Committee upstairs that that sum might be reduced by one-half if recruiting were left in the hands of the officers of the pensioner corps.

Mr. FOX MAULE said, that he had not yet made up his mind as to the policy of transferring the recruiting system to the pensioner corps. The matter was still under his consideration.

Sir De LACY EVANS said, that it afforded him much gratification to find that there had of late years been a decided improvement in the sanitary condition of our troops. He was afraid, however, that nothing had yet been done to render the condition of the barracks at Barbadoes less unhealthy than it had been. A dreadful mortality had taken place two years ago in Barbadoes, and that mortality was distinctly traceable to the barracks. He trusted that the right hon. Gentleman would endeavour to rectify that evil.

The Committee divided:—Ayes 31; Noes 135: Majority 104.

List of the Ayes.

Alcock, T.
Bright, J.
Clay, J.
Crawford, W.
Evans, Sir De L.
Fagan, W.
Fox, W. J.
Frewen, C. H.
Greene, J.
Hall, Sir B.
Heyworth, L.
Humphery, Ald.
Keating, R.
Kershaw, J.
M'Gregor, J.
Meagher, T.
Nugent, Sir P.
O'Brien, J.
O'Connell, J.
O'Connor, F.
O'Flaherty, A.
Pechell, Sir G. B.
Power, Dr.
Salwey, Col.
Smith, J. A.
Sullivan, M.
Trelawny, J. S.
Walmsley, Sir J.
Wawn, J. T.
Williams, J.
Williams, W.

TELLERS.

Hume, J.
Mowatt, F.

List of the Noes.

Anson, hon. Col.
Armstrong, R. B.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Barrow, W. H.
Bass, M. T.
Bellew, R. M.
Beresford, W.
Berkeley, Adm.
Berkeley, C. L. G.
Birch, Sir T. B.
Blackstone, W. S.
Bowles, Adm.
Boyle, hon. Col.
Bramston, T. W.
Brockman, E. D.
Brooke, Sir A. B.

Brown, W.
Bunbury, E. H.
Burghley, Lord
Busfield, W.
Carew, W. H. P.
Carter, J. B.
Cavendish, W. G.
Chatterton, Col.
Chichester, Lord J. L.
Child, S.
Christy, S.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Cubitt, W.
Davies, D. A. S.
Dawson, hon. T. V.
Deedes, W.
Denison, J. E.
Dod, J. W.
Duckworth, Sir J. T. B.
Duke, Sir J.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, G.
Dundas, rt. hon. Sir D.
Dunne, Col.
Estcourt, J. B. B.
Foley, J. H. H.
Forbes, W.
Fordyce, A. D.
Forster, M.
Freestun, Col.
French, F.
Gilpin, R. T.
Gore, W. O.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Hamilton, Lord C.
Harcourt, G. G.
Harris, R.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Heathcoat, J.
Hobhouse, T. B.
Hotham, Lord
Howard, hon. E. G. G.
Howard, P. H.
Hutchins, E. J.
Inglis, Sir R. H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knox, Col.
Knox, hon. W. S.
Labouchere, rt. hon. H.
Langston, J. H.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Lockhart, A. E.
Mackenzie, W. F.
Mackie, J.
M'Taggart, Sir J.
Maule, rt. hon. F.
Melgund, Visct.
Meux, Sir H.
Milner, W. M. E.
Moody, C. A.
Morgan, O.
Morison, Sir W.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Newdegate, C. N.
Noel, hon. G. J.
Ogle, S. C. H.
Paget, Lord C.
Pakington, Sir J.
Palmerston, Visct.
Parker, J.
Pigott, F.
Power, N.
Pugh, D.
Rawdon, Col.
Reid, Col.
Rich, H.
Romilly, Col.
Russell, Lord J.
Russell, F. C. H.
Sandars, G.
Seaham, Visct.
Seymour, Lord
Shafto, R. D.
Smythe, hon. G.
Somers, J. P.
Somerville, rt. hon. Sir W.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Strickland, Sir G.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tufnell, rt. hon. H.
Tyler, Sir G.
Vane, Lord H.
Verney, Sir H.
Wellesley, Lord C.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.

TELLERS.
Hayter, W. G.
Hill, Lord M.

Original Question again proposed.

Mr. W. WILLIAMS said, that, even after the long discussion which had taken place, he was not satisfied on the subject of the advantages with reference to pay, &c., enjoyed by the Guards as compared with the regiments of the line. The existing distinction he thought detrimental to the public service. He found such items as "Compensation to Officers of the Royal Horse Guards for reduction of pay of their present rank," 3,030*l.*; and "Allowance to the three regiments of Household Cavalry, for paying the regiments, as borne on the establishment," 3,15*l.*; making charges to the amount of 3,345*l.* for the Horse Guards, which did not apply to regiments of the line. The "Table Allowance for Officers on guard at St. James's and at Dublin Castle" was 5,004*l.* There were two breakfasts served, one at nine, and the other at eleven o'clock. Then there was dinner at seven o'clock, with port, claret, and sherry; and after the removal of the cloth as much claret as they liked to drink up to ten o'clock, after which none was allowed. The special allowance to the colonel of the Foot Guards was 1,083*l.*; to the quarter-master of the Foot Guards 140*l.* for making up the accounts. The field officers' compensation for loss of suttling house, which meant public-house, 312*l.*; allowance to Foot Guard officers in lieu of stock purse, 9,257*l.*; altogether the Foot Guard items amounted to 15,807*l.* Much had been said with regard to the difference of pay of the Guards compared with that of the line. The Horse Guards numbered, officers and men, 1,308 men. The two regiments of the line most closely approaching the Horse Guards in point of number were the 1st Dragoon Guards and 9th Light Dragoons, numbering 1,302, or less than the Horse Guards by six. Now the number of officers in the Horse Guards was 96, whilst in the two latter regiments they were only 80—making a difference of sixteen officers. But in the item of non-commissioned officers the difference was still greater. In the Guards they numbered 159, whilst in the 1st Dragoons and 9th Light Dragoons they numbered only 110—making a difference of forty-nine. The allowance to field-officers, captains, riding-masters, and farriers in the Guards, amounted to 6,448*l.*, whilst in the other regiments referred to it was only 3,026*l.* The clothing of the Guards costs 10,392*l.*, whilst the 1st Dragoon Guards and 9th Light Dragoons were clothed for 5,287*l.* Thus the total cost of the Guards was 86,728*l.*, against a total of the two other cavalry regiments of 57,028*l.*, showing a difference of 29,700*l.* excess in the item of the Guards. In the Foot Guards the difference was still more surprising. There were three regiments of Foot Guards, consisting of 5,260 officers and men, whose allowance amounted to 20,737*l.*, whilst the allowance for the two battalions of the 1st regiment of the line, and of the 3rd, 5th, 7th, and 13th regiments, consisting of 5,378 men, or 118 more than the three regiments of Foot Guards, was only 1,990*l.*; that was to say, the Foot Guards, with 118 fewer men, got ten times more than the six regiments of the line. The clothing allowance for the Guards was 20,025*l.*, for the six regiments of the line 14,273*l.* The total cost of the Guards was 192,413*l.*, of the regiments of the line 160,113*l.*, making a difference of 32,300*l.* The number of Guards, horse and foot, amounted to 6,568 men, and they cost the country 81,152*l.* more than an equal number of men in the line. What he proposed was to reduce the cost of the Guards to that of the regiments of the line, by doing which they could either add 2,800 men to the Army, or save the cost to the country. He was aware that none but aristocrats of the first water, or their immediate connexions, had much chance of getting commissions in the regiments of Guards; but he did not see what right they had to greater privileges than the other portions of the Army. He thought the time was come when justice must be done to those gallant soldiers who had fought their country's battles abroad—who went through the Peninsular campaign, and bled at Waterloo. The country would no longer be content to see men who had been thirty and forty years in the service of their country unable to obtain that promotion which mere striplings obtained after eleven or twelve years' service in the Guards.

Motion made, and Question put—

> "That a sum, not exceeding 3,439,918*l.* be granted to Her Majesty, for defraying the Charge of Her Majesty's Land Forces in the United Kingdom of Great Britain and Ireland, and on Foreign Stations (excepting India), which will come in course of payment from the 1st day of April, 1851, to the 31st day of March, 1852, inclusive."

MR. FOX MAULE regretted that, after the discussions which had taken place as to the relative merits of the Guards and regiments of the line, the hon. Gentleman had thought it right to renew the attack on the regiments of Guards. He hoped, however, the House, at all events, would not go into that vexed question. Both parties had pleaded their cause; and the hon. and gallant Gentleman the Member for Portarlington (Colonel Dunne) put forward the case of the regiments of the line with great fairness and temper. He (Mr. Fox Maule) did not pretend to say there was not inequality; but, as far as he was personally concerned, he had never heard, whilst he was serving in a regiment of the line, of those jealousies which were said to exist as to the privileges of the regiments of Guards. It should be recollected that those privileges existed for many years; and those who entered the service in the regiments of the line were aware of the existence of those privileges —so that they could not complain of any peculiar hardship. The hon. Gentleman had referred to the public table at St. James's Palace; but that table was not for the Guards exclusively—it was for all troops on duty in London. This subject had been discussed by the Committee upstairs; but they did not think fit to recommend its discontinuance. A similar table existed for those who did garrison duty in Dublin; and it was his opinion that it should be maintained both at the Regal Court and at the Vice-Regal Court. If one went, both should go; but he recommended, in his evidence before the Committee, that both should be maintained. He should oppose the Motion of the hon. Gentlemen.

COLONEL DUNNE said, that he could not agree to sweep away a number of the items with which the hon. Member for Lambeth found fault. What he objected to with respect to the regiments of Guards was the rate of promotion, and not the pay which they received.

MR. HUME said, that he never objected to the pay of either officers or men in the Army. He thought that the pay was not enough either in the Army or Navy. What he complained of was this, that a number of men more than was necessary for the service was maintained. He also objected to the inequality which existed between the regiments of Guards and the line. He considered it would be better to have one uniform system for all. It was in that view, and not as regarded particular items, that he should support the Amendment.

The Committee divided:—Ayes 15; Noes 84: Majority 69.

List of the AYES.

Bright, J.
Dick, Q.
Greene, J.
Humphery, Ald.
Keating, R.
Kershaw, J.
Meagher, T.
Mowatt, F.
O'Connell, J.
O'Connor, F.
O'Flaherty, A.
Smith, J. B.
Walmsley, Sir J.
Wawn, J. T.
Williams, J.

TELLERS.

Hume, J.
Williams, W.

Original Question put, and agreed to.

(2.) 159,932*l.*, Staff Officers (exclusive of India).

MR. HUME complained that the general staff officers were kept up to an amount beyond what was necessary. He found that there were general staff officers where there were only a few hundred men.

MR. FOX MAULE said, that reductions in the general staff had been effected in Canada, the Cape, Australia, the Leeward Islands, and St. Helena. It was necessary that there should be general officers even where the number of troops was small, to carry out the military law.

MR. W. WILLIAMS complained, in reference to the pay of the Commander-in-chief, which was 6,016*l.*, that it was given in consequence of the rank and station which he held in the Army. He thought the Commander-in-chief should be paid a distinct salary for his services, without any regard to his rank or station in the Army. He did not make these observations in reference to the distinguished individual who now held the office of Commander-in-chief; but, whenever the office became vacant, he thought that a change should be made.

Vote agreed to.

(3.) 92,747*l.*, Public Departments.

MR. W. WILLIAMS said, he did not see why the country should be burdened with the expense of a Deputy Judge Advocate General, when the duties were so light.

MR. FOX MAULE said, that the duties were not so light as the Gentleman supposed, seeing that questions relating to Courts Martial came before the Judge Advocate General, and that he had to see that proper justice was done to those tried by those courts, it was therefore necessary that he should have an assistant.

MR. HUME complained that the recommendations of the Committee, which sat some eight or nine years ago, in favour of the appointment of a Minister at War, were not carried out. These recommendations stood on the books, but that was all. He did not think there was any use in Committees sitting, if what they recommended was not attended to. He believed, if they had a Minister at War, that a great deal of the confusion in their military system would be got rid of.

Vote agreed to.

(4.) 16,901*l.*, Royal Military College.

COLONEL REID thought that military men had great reason to complain of the regulation which had been recently introduced, rendering it necessary for them to undergo an examination previously to promotion. The scheme was in itself objectionable, and the mode in which it was carried out rendered it in the last degree offensive and humiliating to officers. When it was taken into consideration that the position which military men held in this country was different from that which they enjoyed in all other lands—that they were subject to hardships, toils, and privations unknown to the military of other countries —that they had to serve in the most unhealthy climates—that they surrendered their personal liberty, and pledged themselves to a passive obedience—when all this was taken into consideration, it would surely be admitted that some respect should be paid to their sense of honour, and that their feelings ought not to be gratuitously wounded. He entirely denied the necessity of these examinations, and he thought that their introduction was a positive act of ill-faith to those who had entered the service without the least suspicion that their promotion would have to depend upon any such contingency. The officers of the line were fitly and properly educated for the efficient discharge of the duties which devolved upon them, and he entirely denied the practical utility of the abstract sciences in their case. He appealed to the right hon. Gentleman the Secretary at War to say whether, during his military experience in an infantry regiment, he had known an instance where algebra, Euclid, and logarithms were of practical utility to officers. He (Colonel Reid) had not met any such instances. These studies interfered with the acquirements really useful in the profession; and he might state that he knew officers who thoroughly studied their profession, but who had left the service in disgust because they found that, after all, they were in no better position than steeple chasers, or persons who passed their time in that way. He could wish to see some judicious means adopted to induce military men to study their professions; but this scheme of examinations he denounced as most preposterous. High-spirited and high-bred officers would not endure a military pedagogue in their barracks and mess-rooms. They would justly regard such a person as a spy, who would watch their conduct invidiously, and report their proceedings at head-quarters. British officers would not brook such a system. They would not permit themselves to be treated like school-boys. The injustice to those who had entered the service without foreseeing, the introduction of such a system, was, he must repeat, most flagrant. If such an officer discharged his duty with zeal, efficiency, and regularity, he was entitled to promotion as a matter of right, even though he had an inadequate notion of algebra and Euclid. The mode in which the examinations—especially those for commissions—was carried on, was exceedingly capricious and improper. The examiners frequently proposed the most absurd questions. As an illustration of this assertion, he would mention that the son of a friend of his, on his examination for his commission, was asked what was the difference between a monk and a friar? This was a matter of which the lad knew nothing, and indeed the less he knew the better, but he nevertheless was not unprovided in his own mind with a reply, and had it not been that he feared being "plucked" for disrespect to the examiner, he would have answered that it was six of one, and half-a-dozen of the other. He knew another case where a young man was refused his commission because he had not answered an abstruse and irrelevant question in Grecian History, which he (Colonel Reid) should not have been ashamed to have failed in. The system was altogether an injudicious one. The questions and answers were laid down in certain books, and unless those books were purchased and the questions and answers committed to memory, the person under examination was likely to be unsuccessful. One effect of the system had been to put officers to expense for private tutors to cram them for examination.

MR. FOX MAULE said, he had heard many objections made to the new system of education in the Army, but the gallant Officer who had just sat down was certainly the first who had had the courage to defend the old state of ignorance among the officers of the Army. The fact was that now that they had begun to educate the private soldiers of the Army, it was quite requisite that the officers also should be more highly educated in proportion, or else the men would speedily be excelling those who commanded them in all the branches of information requisite for the profession; and if that ever happened, the next step would be that the men would begin to entertain a thorough contempt for the officers who were set over them. The Commander-in-Chief had, however, taken steps to avert such a state of things, by affording to officers every opportunity of acquiring information necessary to pass their examinations at different parts of their career. With regard to the preliminary examination of officers before receiving their commissions, he was sorry to hear that they had become such mere matters of form; but he would take care to inquire into it, and would see that none of these books of question and answer, to be learned by rote by officers about to undergo examination, should be of use, but for the future officers should be required to answer, at a moment's notice, any question which should emanate from the imagination of the examiner. The examination at the next step, when a cornet or ensign received his lieutenancy, was purely professional, and all that was required then was a knowledge of the general regulations of the Army, and a certain acquaintance with drill. The last examination which an officer had to undergo when he got his company, was, he admitted, of rather a serious character; but the complaint of the Army was not directed to the fact, that officers were subject to this examination, but that opportunities of acquiring the requisite information were not afforded to them. That they did not look down upon the information, was amply proved by the fact, that at Portsmouth, where there was a garrison master of high character and abilities to instruct the men, the officers themselves had solicited him to give them instruction in the various branches in which they were required to be examined. The time would soon come when he should have to come down to that House to ask for means to afford opportunities to officers to obtain those advantages for persons of their own rank and condition; and so far from such an officer being looked upon with suspicion by his fellow-officers, as had been insinuated, he was sure that his society would be courted more than that of any other officer in the regiment. With regard to the whole question, he hoped that the Commander-in-Chief would not only not draw back, but that he would continue to proceed with this system of education, by which officers would be made able to instruct their men, besides being instructed themselves in all the practical branches of their profession.

COLONEL REID wished to explain that he had not intended, for an instant, to display the presumption of setting his own opinion against that of the greatest military authority of the age. But, in truth, he did not view the measure as emanating from the Commander-in-Chief; he cast the whole responsibility of the measure on the right hon. Gentleman who had just sat down; because, if the Duke of Wellington had considered such steps necessary or advisable, would he not long ago have introduced them during the forty years of peace, in the greater part of which he had been at the head of military affairs? He was disposed, therefore, to consider it more in the light of a concession, on the part of that illustrious individual, to a Government with which he stood in rather a delicate position; and if he had been perfectly free, he (Colonel Reid) believed, would certainly have put his veto upon it altogether.

MR. HUME said, if there was any one thing in the conduct of his right hon. Friend the Secretary at War which entitled him to the gratitude of the country, it was the arrangement he had introduced for the better education of the Army. To hear a gallant Officer complain of Government having adopted a course of instruction for the officer of the British service, was to him a matter of astonishment. Still more was he surprised to hear the gallant Officer say that because the Duke of Wellington had not during the forty years he had been at the head of the Army thought proper to introduce the system, therefore it was wrong for any one else to bring forward such a measure. It was to be regretted that the Duke of Wellington had not long since taken the course which had at length been adopted. The British Army was noted for its ignorance. ["Oh, oh!"] Its officers were, at any rate. ["No, no!"] He would say, "Yes." Take the officers of any battalion of the British service, and let them compete with the officers of a battalion of the French Army; and the former would have no chance whatever in regard to professional knowledge. The French officers went through a much more severe course of professional study than the British officers, and their education was of a higher quality. He did not blame the British officers for their inferiority to the French in these respects, for they had not the opportunity of acquiring the same degree of knowledge. When instruction was being given to the non-commissioned officers and privates of the British service, was it right that the officers should remain uninstructed? In the Royal Military College there were only 180 cadets, and he did not think it was necessary for that small number to maintain a governor, at 1,000*l.* per annum, a deputy governor, and a large staff of officers. The establishment was far too expensive. With respect to the mode of examination, he would prefer having a Committee constituted of an officer of engineers, an artillery officer, an infantry officer, and a professor, to examine the candidates, than the system that was in use at present. This was a blot which he was glad to find his right hon. Friend intended to correct. As far as regarded those officers who had been already ten or twelve years in the service, he was of opinion the proposed rules of examination ought not to be rigidly applied. It would be unjust to make the introduction of a system which would form a new era in the history of the British Army operate as a check to the promotion of men who had served their country for years under quite a different system—but as far as concerned new candidates for promotion, he would institute the strictest examination as to their qualifications.

SIR DE LACY EVANS had not had the opportunity of hearing the whole of the speech of the hon. and gallant Officer (Colonel Reid), but he understood the gallant Colonel had endeavoured to cast odium on the right hon. Secretary at War for the introduction of a system which, if the right hon. Gentleman were responsible for it, would, in his (Sir De L. Evans's) opinion, greatly redound to his honour. It would, as his hon. Friend (Mr. Hume) had said, be a new era in the history of the British service. Hitherto money alone had been the means of promotion, but henceforth they might expect that efficiency and merit would be taken into consideration.

COLONEL DUNNE wished to express his great gratitude for this measure of education. With regard, however, to what had been said about the professors writing books and publishing them, he thought that such a course was absolutely necessary, because we really had no manuals on such subjects in this country, and officers were obliged to pick up their information from French and German works.

Vote agreed to.

(5.) 18,016*l.* Royal Military Asylum and Hibernian Military School.

MR. HUME wished to draw attention to the fact that it required 114 persons to take care of the 350 boys in the Royal Military Asylum, and 41 persons in the

Hibernian School to the care of precisely the same number. The building of the Royal Military Asylum was quite large enough to accommodate the whole body, and he did not see why the two institutions should not be joined in one.

Mr. FOX MAULE said, it must be borne in mind that this asylum was for the instruction of those children of soldiers who could have obtained instruction in no other mode, and that the education which they there received was such as would train them for becoming schoolmasters in their turn, which was the case in not a few instances. With respect to the Hibernian School it was peculiarly defensible, because from the number of Roman Catholic soldiers in the Army the number of orphans of that persuasion was very great, and in the Hibernian School they had an opportunity of receiving instruction in the tenets of their own religion without any interference from the authorities. He thought that this establishment stood on grounds different from Kilmainham Hospital, to which he had alluded on a former evening. He believed the school was a model institution, and that it was regarded with the deepest feelings of interest by all the public authorities of Ireland.

Mr. HUME still thought that it was a misapplication of the public money, when for the same sum at least four times the number of children could have been maintained. He should be inclined to recommend the shutting up of the institution, and dispersing the children throughout their own countries.

Vote agreed to.

(6.) 65,000*l.* Volunteer Corps.

Mr. W. MILES expressed himself much satisfied with the just tribute which his right hon. Friend the Secretary at War had paid to the services rendered by the yeomany of this country, and felt sure that his right hon. Friend would not do anything that would impair the efficiency of that body of men. Having himself (Mr. Miles) the honour of commanding a regiment of yeomanry, he wished to call the attention of his right hon. Friend to the short period which was allowed for them to exercise during this year, and also to the insufficiency of the pay. The period for which a regiment was called out was only five days for this year, and the pay for the man and his horse was only 5*s.* a day. Was this calculated to maintain either the number or the efficiency of the corps? He thought not; and his opinion was that the allowance to each man ought not to be reduced from 7*s.* a day. Unless the regiments were placed upon that footing, he did not believe there were many colonels who would call their men out. The Government ought to have an efficient body of men, or none at all. Having stated thus much, he would proceed to make a few remarks upon a speech made last year to the House by the hon. Member for Bristol (Mr. F. H. Berkeley) relative to the yeomanry. Hon. Gentlemen would recollect that he had no notice that any such speech was about to be made, by which ridicule was thrown on a corps to which he had the honour to belong. Quoting from *Hansard,* he found the hon Member saying—

> "He (Mr. Berkeley) would now show the Committee what the yeomanry were worth on an emergency. They all remembered the Bristol riots; and he thought hon. Gentlemen were not so ignorant of geography as not to be aware that Bristol was in two counties, Gloucestershire and Somersetshire, in both of which counties yeomanry abounded, and very finely-dressed gentlemen they were. They wore a vast deal of hair on their faces, and they looked desperately fierce. But Bristol was on fire for three days, and was, during that time, completely at the command of lawless men, while the yeomanry were of no more use than a set of old applewomen. What aid did Bristol receive, in her three days of dolour and distress, from the voluntary heroes of Somersetshire? During that time about ten of the Somersetshire yeomanry marched into Bristol, and they were kindly locked up by the authorities to prevent the mob from harming them."—[3 *Hansard,* cxiii. 374.]

In reply to that portion of the hon. Member's speech, he had to say that orders were issued by the magistrates of Bristol to Captain Shute to call out his troop. This was at ten o'clock, and at three o'clock the troop was mustered, but only seventeen men turned out. This was reported to the magistrates, whose orders were then asked for. It was at the same time stated to the magistrates that the stores were left at the Riding-house, which was the troop's quarters, where there was a considerable quantity of ammunition. The troop was ordered to march to the Riding-house, and wait there for further orders. Captain Shute obeyed that order, but no other order was sent to him. At the same time the regular military were ordered out of the city. This was on the Sunday, between nine and ten o'clock at night; and Captain Shute, having placed all the stores in safety, marched his troop to Brislington, being about a mile and a half from Bristol. The horses remained saddled all night, and the men were ready to mount at a moment's notice. Early next morning Captain Musgrave marched into Bristol, and Captain Shute, without orders, joined the rear-guard and marched into Bristol with Captain Musgrave. This single troop of regulars and single troop of yeomanry assisted in clearing the streets: and an hon. Friend of his (now no more), the then Member for the western division of Somersetshire, being at Bristol, and acting as a county magistrate, assured him (Mr. Miles) that Captain Shute cleared a bridge, and made way for him to pass over in his carriage on two successive occasions during the disturbances. So much for that. He would now come to the regiment which he had the honour to command. Orders were issued for assembling the regiment on the Sunday morning. These were sent to Bath, being the head quarters; then sent round to the different men, many of whom had to march forty-six miles to join the regiment. Between four and five o'clock on the Monday evening the whole regiment, under the command of Colonel Horner marched into Bristol. All he could state was this, that at the expiration of the time their services were required in Bristol, not only were thanks issued to them by the magistrates, but they also received the thanks of the general in command, who particularly specified the service of Captain Shute's troop when acting with the regulars. He had thus made his statement as briefly as he could, but he trusted he had shown that Captain Shute's troop was not deficient in doing its duty. He ought to add, that the men of that troop who did not turn out on the Sunday were dismissed on the Monday morning. Such was his plain answer to the rather violent speech of the hon. Member for Bristol. ["No, no!—humorous."] Well, it might have been a humorous, but it was certainly a very sarcastic speech. Of course he should have felt it his duty, if he had been present last year, to have given the answer which he had now done. He hoped when the hon. Member again made an attack on the yeomanry, he would have the courtesy of making hon. Members who happened to belong to the corps acquainted with his intentions. Whenever he (Mr. Miles) had been out with the corps which he had the honour to command, to assist the civil force, he had always found them ready to a man to do their duty. He was happy to say that during that period they had never been called upon to act against the people; but at the same time they had always shown a readiness to assist the civil power.

MR. F. H. BERKELEY said, it might be expected he should say something, but he would not occupy more than two minutes, in answer to the attack made upon him by the gallant General—he begged pardon, he did not exactly know the dignity of rank held by the hon. Member— [Mr. W. MILES: Colonel.] Well then, in answer to the attack of the gallant Colonel, he need occupy but little time. He hoped, however, that the gallant Somersetshire corps would not prove to be merely the vanguard of the enemy, to be followed up by the mournful and dangerous troop to which he had occasion to allude last year; because it would be a sad affair to have to encounter the whole band of yeomanry Gentlemen in that House. His case reminded him of Hudibras, when he exclaimed—

> "Oh! what dangers do environ
> The man that meddles with cold iron!"

But to the speech of last year. What was the object of that speech? In the first place, he endeavoured to show to the House that the yeomanry, as military men, were perfect impostors; and, in the next place, he endeavoured to show that, as a constabulary force, they were not of the least use. That was the position he took up, and he did his best to maintain it. In doing so, he had occasion to refer to the Bristol riots; but he made no accusation or assertion as coming from himself, but quoted from the *Bristol Gazette*, an old established paper, which the hon. Gentleman must know had been published in Bristol many years. The editor was a most respectable individual, and a town-councillor of the city of Bristol, a man without reproach. The paper had since descended to his son. From that paper he quoted a statement to this effect—that a body of men from the North Somersetshire Yeomanry had been called upon by the magistrates on Saturday—the three days riots being Saturday, Sunday, and Monday. [Mr. W. MILES: They were not called out till Sunday.] He would be able to show that they were called upon by the magistrates on the Saturday, but they never appeared until the Sunday. And when they appeared they showed in such small numbers— [Mr. W. MILES: It was only a troop.] He knew it was only a troop. It was the Bedminster troop. The Bedminster troop, being the nearest to

Bristol, to whom therefore should the magistrates apply but to them? They came up (as he had said), but in such small numbers, that they were locked up in the riding-house in Portmore-lane, by consent of Captain Shute, not S-h-double-o-t, but S-h-u-t-e. A letter appeared in the *Bristol Gazette* at the time, stating that Captain Shute concurred in opinion with the magistrates that his troop, having assembled in such small numbers, should be shut up. That was the statement of the editor of the *Bristol Gazette*, referring to his files of the year 1831. He held the statement in his hand, and any hon. Member who wished to read it was welcome to do so. He had the greatest respect for his hon. Friend (Mr. W. Miles), the gallant leader of gallant men; and he believed as to his gallant corps, that take them off their horses, and take them out of uniform—in which they looked like hogs in armour—put hem into smockfrocks, and put a stick into their hands, and they would make excellent special constables. But, as a county constabulary—faugh!—they never did distinguish themselves, and never would. They would always be a most unfortunate defence against riots if they were called into action.

MR. W. MILES explained. The yeomanary could not be called out without a magistrate's order, and it was by order of Alderman Daniels that they retired to the riding-house.

MR. HUME hoped that the House, after the speech of his hon. Friend (Mr. F. H. Berkeley), would be prepared to dispense with the Vote altogether.

MR. FOX MAULE could not agree with the hon. Member for Bristol in the aspersions which he had cast upon the yeomanry cavalry. He could not concur with him in thinking them "impostors" as soldiers, for the reports which he had seen from experienced officers of the Army warranted him in stating, that if well drilled and well disciplined, the yeomanry would perform any duty that any body of men could be called upon to perform. He regarded them as an admirable force.

COLONEL CHATTERTON said, that having had the honour of being frequently appointed inspecting officer of the yeomanry cavalry, and having performed that duty sixty-nine times, he was anxious to address a few words to the House on this subject. He could assure the House with honour, truth, and sincerity, that he had ever found the yeomanry a most zealous, active, loyal, and efficient body; admirably drilled, considering the very short time allowed for training and exercise, and he was fully persuaded the tranquillity of England could not be preserved without the yeomanry cavalry.

MR. EDWARDS: It was not my intention to have offered a single remark upon this question; but finding, as I do, that the hon. Member for Bristol, notwithstanding the severe castigation he received last year from various Gentlemen in this House, has again reiterated the insults he then offered to every member of the Yeomanry Service here and elsewhere, I cannot remain silent; and I only regret that we have not a division, so that the country might judge of the support the hon. Member would receive at our hands. In referring to the services of this arm of the service, I have only to quote the authority of the two Gentlemen who have just sat down—the right hon. the Secretary at War, backed as he was by the hon. Member for Cork, who has himself been appointed no fewer than sixty-nine times Inspecting Officer of Yeomanry Cavalry, for convincing proofs of its efficiency in times of general disturbance. Being myself connected with the Yeomanry, I hope and trust we may never have the hon. Member for Bristol amongst us. The hon. Member, in speaking of its officers and men, has thought fit to designate us as "impostors," "hogs in armour," &c., &c. Now, I wonder what he himself would look like, arrayed in any yeomanry uniform of the country? Very unlike an officer and a soldier, I should imagine!

Vote agreed to.

MR. FOX MAULE said, he did not propose that evening to bring forward any more of the Army Estimates, as it was now necessary to proceed with some of the Votes on the Ordnance Estimates.

SUPPLY—ORDNANCE ESTIMATES.

COLONEL ANSON said, that when the Ordnance Estimates were under the consideration of the House last year, he entered into some details, more than usually required, on account of the changes which had been made in them arising out of the recommendations of the Committee appointed to inquire into the Army and Navy Estimates. He would endeavour on this occasion to compress his remarks into as concise a form as possible consistent with the duty which devolved upon him. The amount demanded for the present year was only a slight diminution upon that voted by Parliament in the last year. The reduction was 22,920*l.* He trusted the House would not therefore imagine that every requisite attention had not been given to the consideration of all the items comprised in the Estimates. During the last three years a great reduction had been made in the Ordnance expenditure. Since 1849, the total saving had not been less than 580,646*l.* The Government had been most anxious that this Estimate should be kept down to the lowest possible limit, and it had been the object of the department to second their views. But a vast extent of service was required from this department, and the expenses must be regulated by the requirements of the service, and by the amount necessary to maintain the Ordnance establishments in a state of vigour and efficiency. Hon. Members who would read the evidence taken upstairs, would see that none of the grave charges made against this department were substantiated. Valuable suggestions, no doubt, were made by the Committee, and their adoption had been followed by economical results. But economy was not always the consequence of reduction, and indiscriminate retrenchment led to increased expenditure. In no department were such results more likely to follow than in the Ordnance Department. He had great pleasure in bearing his testimony to the merits of the Artillery, Engineers, and Sappers and Miners. Every day justified him in the opinion of their worth, good conduct, and superior qualities. Now, the amount demanded on this vote was 712,755*l.*, being 173*l.* less than was required last year. There was an increase on some of the items and a reduction on others. In the hospital expenses there was a diminution of 1,169*l.* The medical department had been revised, and the whole of the charge on the hospitals now appeared in the estimates, with the pay of the soldiers in the hospitals deducted. It was gratifying to know that the Ordnance Department was not behindhand in its endeavours to educate its soldiers. The schools for the Artillery had been established many years, and they had been supported, up to 1840, by regimental subscription. The system pursued in the Artillery was to train non-commissioned officers at Woolwich; and the course of study embraced English grammar, algebra, practical geometry, astronomy, the use of the globes, measurement of heights and distances, and Scripture and English history. This was the initiatory course. Another class were instructed in mathematics, vulgar and decimal fractions, extraction of square and cube roots, and a theoretical knowledge of field and permanent fortification. The most satisfactory reports had been received of the progress they had made in their studies. At Woolwich there was a very inadequate supply of school accommodation; and this year there would be a vote to extend that accommodation, an extension which would be attended with the best advantages. The average daily attendance at these schools was as follows:—235 non-commissioned officers, 258 gunners, 116 drummers and trumpeters, and 233 boys. In libraries, also, this department must be considered as being in a satisfactory condition. In 1834, libraries were established for non-commissioned officers; in 1835 they were formed for gunners; and in 1849 the demand for the instruction which they were intended to supply had so greatly increased, that the libraries appropriated to the officers were given up to the non-commissioned officers and gunners, new libraries having then to be provided for the officers themselves. The next point to which he had to call attention was with regard to savings banks. He was happy to say, that since the establishment of these institutions in the Artillery, the number of depositors had largely increased. In 1845-6 the number of depositors was 383, and the amount deposited was 3,018*l.* In 1849-50 the number of depositors was 1,109, and the amount deposited was 7,300*l.* Other means had been taken for improving the condition of the department. Great benefits had resulted from the adoption of a suggestion made in that House, and urged in one of the military newspapers, in respect to the appointment of additional captains of artillery for the instruction of officers on joining their corps. He trusted that the House would appreciate the anxiety which, as he had shown, constantly actuated the superior authorities in this department, and that hon. Gentlemen would admit that every practicable improvement was being gradually adopted. Some changes had taken place in regard to the allowances to married soldiers. The allowance had been for a long time one penny per day, this being in conformity with a communication from the War Office; but recently an application had been made to the Treasury to sanction an alteration, and it was proposed that in future the allowance should be two-pence per day to married non-commissioned officers living out of barracks. Considerable additions had been made to the buildings for married solders, giving accommodation for four non-commissioned officers and 100 men. There were now fifty-two cottages of that kind on Woolwich Common. These paid only a nominal rent, namely 7*d*. per week, which was the same allowance as last year in the Army, and this rent was applied to keep the houses in good repair. The question of punishments, to which he had now to allude, was one in which the House had always taken great interest. He thought it might be shown, in answer to the suggestion of the hon. Member for Montrose, to the effect that the administration of the Ordnance should be transferred from the Master General to the Horse Guards, that the discipline of this corps was at present under most strict surveillance. With respect to corporal punishments, these, he was happy to say, were of very unfrequent occurrence in the Ordnance service. In 1846 and 1847, with an average corps of 7,000 men, the punishments were eight in the one year, and seven in the other; in 1848 and 1849, when the numbers of the force were increased, and to some extent by men who had under army reductions been dismissed as least deserving from the Army, the punishments were thirteen in the first year, and twenty-three in the second. In 1850, however, though the force numbered 10,000, so excellent was the discipline, that there were only six corporal punishments in the force; and he had no doubt that the diminution would go on. Under the head of recruiting, the House would perceive a considerable reduction. Recruiting was now carried on in the most economical manner; officers serving in different parts of the country doing the whole business, and doing it most satisfactorily. He had now entered into all the items connected with the general statement. To this first vote of 712,582*l*. he particularly called the attention of the hon. Gentleman the Member for Montrose, and he hoped that he (Mr. Hume) would separate this Vote from all the others, and that he would consider it upon its distinct grounds. The next Vote was for "268,257*l*. for commissariat and barrack supplies for Her Majesty's forces, great coats for the Army, and clothing for colonial corps." This vote was less by 5,580*l*. than the vote passed last year, and it arose as follows:—In the article of forage there was an increase of 10,700*l*., in consequence of the increased price of rations and forage. In the article of coals there was a diminution of 8,000*l*. In the article of candles there was a diminution of 1,700*l*.; and in the article of palliasses there was also a diminution. Altogether there was a diminution of 10,288*l*., and an increase of 10,403*l*., as compared with the Estimates of last year. The barrack supplies for last year amounted to 70,968*l*.; this year they were only 66,000*l*., being a diminution of 4,968*l*. On this point a great deal of evidence was given in the Committee last year, and he was satisfied that this year's Estimate was unobjectionable. Considering that they had to provide barrack supply for 120,000 men, this Estimate only amounted to 10*s*. per man. It should further be considered that there were 400 barracks of all sorts and sizes. In the article of great coats there was a diminution this year amounting to 3,000*l*., the Estimate being 17,000*l*. He could not promise that the Estimate would not be higher next year; for, just now, a new cloth was being provided of a rather expensive character, and it was considered desirable that the trial should be made. The third Vote was for 75,950 for the Ordnance Office. The alterations proposed by the Committee with regard to the amalgamation of certain offices had been carried out, and the result was that in the Vote for the present year there was a diminution, as compared with last year, of 11,000*l*. He could not take credit for the whole of this diminution; because, as it would be noticed, the expenses of the storekeeper's department were not this year included in this vote, that department being transferred to the head "establishments." The actual diminution amounted to 3,684*l*. He was satisfied that no department of the Government was harder worked than the Ordnance Office, and he was not less satisfied that that office was worked in the most economical manner. A comparison with the circumstances in 1835 and the circumstances in 1851–2 would sufficiently prove this. In 1835 there were 250 persons employed at an expense of 90,019*l*. In 1851–2 there were 188 persons employed at an expense of 75,920*l*. The next Vote was for Establishments in the United Kingdom and in the Colonies, 295,750*l*. This was so voluminous a Vote that he would not occupy the attention of the Committee with its details; he would merely state that the total diminution upon this Vote was 8,076*l*., which would have been 15,000*l*. but that the storekeeper's department, as he had before stated, had been transferred to it from the previous Vote. In the Ordnance establishments for the colonies there was a decrease of 5,200*l.* In the barrack establishments at home there was a decrease of 4,000*l.* In the barrack establishments abroad there was a decrease of 5,000*l.* Great care was taken in obtaining the most accurate information as to the establishments abroad. In the first place all the reports were revised—first by the governor of the colony, and afterwards by the commander-in-chief; and the precautions adopted ensued the most excellent results, The next Vote was for the wages of artificers and labourers. In this Vote for this year there was a decrease on last year of 3,999*l.* in the United Kingdom, and of 2,264*l.* in the Colonies. The next Vote was for stores. This was the Vote which had always called forth the greatest amount of criticism from the advocates of economy. This year he submitted it to them with the most perfect assurance that the Committee would observe and admit the practical economy which had governed the department in this direction. In 1850–1 the sum of 211,631*l.* was asked; in the present year he had to ask only 194,909*l.*, being a diminution of 16,722*l.* The Estimate for small arms, included in this Vote, was 14,000*l.* less this year than last year. It should be understood, however, that the supply demanded would not be considered as that by any means which it was advisable to maintain. There were at present peculiar reasons why the Vote should be limited in amount. It appeared that some interesting novelties in small arms were being tried on the Continent, and it was deemed desirable that the results of these experiments should be ascertained. So far as he could judge at present, the superiority of these inventions to our own manufacture, was extremely questionable. The next Vote was for "works, buildings, and repairs." The amount demanded this year was 470,347*l.* The amount voted last year was 440,069*l.* This increase was apparently large; but it would be found to be no increase at all when it was considered that in the Vote this year was included a sum of 64,000*l.* required for entirely new buildings. In fact, there was a decrease in the Vote as compared with last year, of 12,000*l.* The increase arose from the necessity for constructing a new wing to Wellington-barracks, for the reception of a battalion of Guards, the expenditure upon which this year was estimated at 10,000*l.*; for building an Ordnance institution at Woolwich, an object which he was sure the House would sanction, 5,350*l.*; towards building a new fort at Gosport, 10,000*l.*; towards a new Hospital in the Plymouth district, 10,000*l.*, &c. There was another item of 21,500*l.* for the surrender of the lease of Carlisle Fort, Cork. He believed that in 1804 a lease had been taken of this fort at a rent of 1,000*l.* a-year for ever, and there could be no doubt but that this surrender of the lease should have been effected long ago. The arrangement regarding the Carlisle fort was allowed to be an economical one. The hon. Gentleman (Mr. Hume) might object to the increase in the department of which he (Col. Anson) was speaking; but he could assure him that the increase was more than balanced by the reductions on other Votes. He (Col. Anson) came next to the Vote for the Scientific branch, which of course included the surveys of England, Scotland, and Ireland. He was perfectly well aware that hon. Gentlemen objected to the manner in which this amount had been distributed. It was not for him to enter at any great length into the matter. The amount which Parliament was so liberal as to vote was 65,000*l.* per annum; but that sum went but a very small way in finishing the surveys of the three kingdoms. It would require a much larger amount; and if the Committee could persuade the Chancellor of the Exchequer to give a larger sum, it would be of very great service. There was on the paper a notice for a Committee to inquire into the Scotch survey. If that Committee were granted, it would be the means of affording to the House all requisite information, and it might be that the House would then be of opinion that a larger sum of money should be expended. When the Exhibition was opened, hon. Gentlemen would have an opportunity of inspecting the map reduced from the large scale, which he (Col. Anson) thought would surpass anything of the kind in the world. The next Vote for the non-effective services was 173,248*l.*, which was a diminution of 4,288*l.* from last year, and no alteration could be made on them. There was an increase in the civil superannuation list; but those persons who had been placed on it had been in the service from forty to fifty years, and were well entitled to the superannuation. He had, to save the time of the House, gone over these Votes as hastily as possible, and he asked the hon. Member for Montrose (Mr. Hume) to take these Votes separately, and say where he could prudently make any reduction. The hon. Member might say that they could reduce the Ordnance establishments in the Colonies; but as long as we maintained these Colonies they must keep up their Ordnance service. The hon. Member might take exception to the Stores; but he (Col. Anson) maintained he could not demand less with a due regard to the wants of the services. Every description of stores had been closely looked into. They had had reports from Canada, Gibraltar, Malta, and Hong Kong; and instead of these recommending a reduction of the annual supply, they generally asked for an increase. There were a great many items to which he had not even referred, and for this he might perhaps be blamed by his hon. Friend. He was, however, unwilling to detain the Committee.

(7.) 14,573 men, Ordnance Military Corps.

MR. HUME said, that upon looking over the whole of the Ordnance Estimates, he found that there was only a saving of 22,920*l.* upon the whole amount of 2,411,497*l.* He considered that the whole system should be changed. About 6,000,000*l.* of stores had been from time to time accumulated, and at last they were good for nothing. They had laid in from time to time large amounts of stores, and kept them so long, that there were many thousand pieces of artillery perfectly useless, although they had been guarded with great care, and at an expense of three times their value. The Ordnance Estimates had greatly increased of late years. In fact, until within three or four years back, there never was an Ordnance Estimate exceeding a million and a half. In 1834, the amount of the Ordnance Estimate was 1,068,000*l.*; 1835, 1,110,000*l.*; 1836, 1,400,000*l.*; 1837, 1,300,000*l.*; in 1846 it was 2,300,000*l.*; 1847, 2,900,000*l.*; 1848, the year in which the whole department ran wild, 3,076,000*l.*; 1849, a little economy being introduced, 2,300,000*l.*; 1850, 2,434,000*l.*; and upon that sum of last year there was in the present estimates only 22,920*l.* of a saving. But it was still more extraordinary the way in which this expenditure had increased, if they looked back for a few more years. He was debarred from going back to 1792, but the Committees of that House had gone back to that period, and it appeared that in 1792 the number of men in the Ordnance Department was 4,846, at an expense of 51,000*l.* In 1822, after a long war, the number was only 7,614 men, and the expenditure 427,000*l.*, and now they were called upon to vote 14,573 men at an expense of 2,411,497*l.* With respect to the Colonies, some system of consolidation ought to be adopted, by which a great saving might be effected. However, he believed that until the Artillery and Engineers were all put upon one safe footing, and put under the control of a Commander-in-chief, there was no chance of any considerable reduction being effected. He condemned the system of having so many colonels appointed and then shelved upon half-pay, which was one source of considerable expense. He would also act differently with respect to the stores; and, for one thing, he would at once remove the establishment in Pall-mall. He was sorry that a new building had been raised there at an expense of he did not know how many thousand pounds. It was impossible that that could be continued at such an enormous expense as 75,000*l.* The addition to the barracks he thought was most important, and he also admitted the propriety of the expenditure upon the fortifications. He would not trouble the Committee to divide, but must protest against the enormity of the Vote, which could only be attributable to the extravagance of the day.

MR. W. WILLIAMS said, he must complain of the number of men that were to be voted. Connected with the Artillery, was a pet corps—the Royal Horse Artillery—which was of no service whatever, but was a most costly affair. The 602 men in the Horse Artillery cost the country 8,000*l.* a year more than 602 men in the Foot Artillery. The Estimates of the present Administration were more extravagant than those of any Government which had preceded it. Taking the period between 1829 and 1839 inclusive, during which the Administrations of the Duke of Wellington, Earl Grey, and Lord Melbourne governed the country, the average number of men voted annually for the Ordnance was 8,566, at an average cost of 1,546,000*l.* This year the number of men proposed by the Government was 14,573, and the cost was 2,411,497*l.* It should also be taken into consideration that the present Government had an additional force of between 15,000 and 16,000 men, composed of battalions in the dockyards and coast-guard men, which former Government did not possess.

Vote agreed to; as were also—

(8.) 712,582*l.* Pay and Allowances Ordnance Military Corps.

(9.) 268,257*l.* Commissariat.

(10.) 75,950*l.* Ordnance Office.

(11.) 295,750*l.* Establishments at Home and Abroad.

(12.) 122,800*l.* Wages.

(13.) 194,909*l.* Ordnance Stores.

(14.) 470,347*l.* Works, Buildings, and Repairs.

(15.) 97,654*l.* Scientific Branch.

(16.) 173,248*l.* Non Effective Services.

On Vote (17.) 50,000*l.* on account, Civil Contingencies,

Colonel SIBTHORP said, there was no more gross waste of public money than under the head of "civil contingencies." A great deal of money would be expended upon what he had always regarded with great jealousy—that miserable Crystal Palace, that wretched place, where every species of fraud and immorality would be practised. It was an insult to the English nation. He objected to any Vote of public money on account; it was a very dangerous thing, for when the money went out they could not get it back again, and his maxim was, "Holdfast is a good dog."

Mr. HUME could assure the hon. and gallant Member that not a farthing of the Vote proposed was for the Crystal Palace.

Colonel SIBTHORP said, if he was not supported in his opposition to the Vote by the hon. Member for Montrose and his friends, he would not be at their beck and call, and would not give the House the trouble of dividing.

Vote agreed to; House resumed.

Resolutions to be reported To-morrow.

Committee to sit again on *Wednesday*.

THE AGRICULTURAL INTEREST AND THE PROPERTY TAX.

Mr. BOOKER moved for several returns of which he had given notice. He expressed his regret that the right hon. Gentleman the Chancellor of the Exchequer should not have granted these returns. He did not press for them from mere curiosity, nor even for any party purpose, but he considered they were absolutely necessary and essential for the satisfaction of the country and the future guidance of the Government, let it be composed of whomsoever it might. He pressed for the returns, because he know and felt the circumstances in which his constituents were placed, and because they had a right to know in what proportion, fair or unfair, just or unjust, an impost which took 5,500,000*l.* out of the pockets of the people, bore upon the owners and occupiers of land and those engaged in the manufactures and commerce and trade of the country. He pressed for the returns because he knew the ability of his constituents to meet their burdens were not gradually and slowly, but rapidly and surely, becoming extinguished. He wanted to know whether those great sources of national prosperity, as they were called, the trade and manufactures of the country, did not shirk some degree of that which fell on the land. He did not wish for anything inquisitorial; he believed he was not asking for any returns which would give rise to any personal disclosures of any kind. When the owners and occupiers of land in 1845 were marked out for attack, he found a return moved for by the hon. Member for Wolverhampton (Mr. Villiers), the success of whose annual attacks read them an excellent lesson to make annual attacks also—a return of the most inquisitoral character, giving most minute parochial details and items, and filling 375 pages of a blue book, was granted by the House. He wanted to know how the assessment of prpoerty and income bore on this great metropolis, on Manchester, Leeds, and other seats of our manufactures, and how it bore on the real property of the country; but he sought this information respecting whole districts and whole trades in as general a form as possible. He had been told that to some extent the information he sought had been given under Schedule B, which bore exclusively on the agricultural classes; but that it could not be given to a later date than 1848, as it was made up triennially. He found that it was only carried up to 1848, but he wanted particularly to know, and the country wanted to know, what the depression had been in that description of property since that period. His belief was that it was enormous, and that the Government did not wish the country to know how their policy was affecting so large a proportion of the community. If they did, he could not, for the life of him, understand how it was that returns in reference to Schedules C, D, and E could be carried down to 1850, and the other refused. The assessment in Schedule D, which related to trades and professions, had increased since 1815 from 34,300,000*l.* to 54,900,000*l.* in 1850, and of that 34,000,000*l.* assessed in 1815, 16,000,000*l.*, or nearly one-half, was assessed in the city of London. He wished to ascertain with precision what was the actual amount of the decrease of property assessed in Schedule B during the years 1849 and 1850. He was inclined to believe that the result of an accurate investigation of the question would be to show that the real property of this country had paid, on account of this impost, upwards of half a million more than the rental. The returns for which he was moving could be comprised within the four corners of a sheet of paper; and as it was essential that they should be laid before the House in order to enable them to arrive at a sound conclusion on the subject of the income tax, he hoped that the Government would not offer any objection to the Motion.

Motion made, and Question proposed—

"That there be laid before this House, 1. Return, in tabular form, of the amount of Income assessed to the Property and Income Tax under Schedule D. for the years 1815, 1843, 1846, and 1849 or 1850, distinguishing each separately, for the districts comprising the whole of the Metropolis, namely, the City of London, the Inns of Court, the Liberty of the Rolls, the whole of Westminster, also the Tower Hamlets Divison, the Edmonton Division, the Finsbury Division or District, the Holborn Division or District, Bloomsbury, the Kensington Division or District, the Gore Divison or District, the Brentford Division, and the Spelthorne Division, all in the county of Middlesex; also, the Blackheath Hundred, East Brixton and West Brixton, East Brixton the third Division, the Borough of Southwark, Camberwell, Peckham, St. Paul, Deptford, Streatham, Newington, and Kingston Hundred, situate in the county of Surrey; also, Blackheath and Little and Lessness District, in the county of Kent.

"Also, this Return in abstract, in tabular form, under one general head.

"2. A like Return to No. 1, for the districts comprising the whole of the towns of Manchester and Salford, Liverpool, Birmingham, Wolverhampton, Dudley, Hull, Huddersfield, Bradford, Wakefield, Macclesfield, Halifax, Edinburgh, Glasgow, Dundee, Aberdeen, Merthyr Tidfyl, and Swansea, separately, and for the like periods.

"3. Return, in tabular form, of the net Revenue received from the Property and Income Tax under Schedule A. in the years 1849 and 1850, distinguishing each year, and separately, each head of property from which the Revenue is obtained, and also distinguishing England and Wales from Scotland.

"4. A like Return of the net Revenue received under Schedule B. for the same period, and distinguishing England and Wales from Scotland.

"5. Return, in tabular form, of the amount of Real Property assessed to the Income and Property Tax under Schedule A. in the years 1815, 1843, 1846, and 1848, distinguishing each year, in the districts comprising the whole of the Metropolis in districts or divisions as in No. 1; distinguishing the description of property under each head on which the assessment is made.

"And, also this Return in abstract and tabular form under one general head."

COLONEL SIBTHORP seconded the Motion, and hoped that his hon. Friend would, under all circumstances, persevere in it.

The CHANCELLOR OF THE EXCHEQUER did not mean to taunt the hon. Member with desiring to institute inquisitorial proceedings, but he very much feared that many of the returns for which he called would merely tend to gratify the idle curiosity of persons less inquisitorially inclined than the hon. Member. To some of the returns moved for, he would offer no opposition; but he must positively refuse to enter into minute explanations with respect to the returns under Schedule D. The gross accounts under that Schedule had already been presented, and were on the table, but he could not consent to the production of returns for districts and towns. Such a proceeding would be contrary to the uniform practice of that House, which, following the rule which it had always set down for itself, of discouraging disclosures respecting the incomes of individuals, had, in 1816, ordered the income tax papers to be burned. If these returns were granted, the disclosure of the incomes of private individuals would be the inevitable result, and against that the House had at all times set its face. With regard to Schedule B, it would be impossible to give the information which the hon. Gentleman required, because the returns were only made triennially; but if he would kindly give his support to the renewal of the income tax, on precisely the same terms, he would be able to get the information from the new assessment which it would be necessary to make in the present year. He would be compelled to resist the Motion of the hon. Gentleman, but he was quite willing to give him all the information he could, consistently with the principle upon which those returns were made.

MR. HENLEY hoped the hon. Gentleman, if he could not get all that he asked for, would forego having any at all, otherwise he would be placing before the country a state of facts leading to a false inference. The assessment under Schedule B continued the same for three years; and therefore any return for the last two years would not show any depreciation whatever in the value of landed property, but would make it appear that it was realising a profit, when in fact it was making none. At the same time, he (Mr. Henley) was not anxious for any reassessment.

Mr. SPOONER hoped the hon. Gentleman would not press for a return under Schedule B.

Mr. BOOKER said, that Schedule B was what he particularly wanted in the returns. The income tax was so unjust an impost, and the assessment, it appeared, so little able to bear the light, that he must be excused from pledging himself to adopt the right hon. Gentleman's suggestion to support him in its renewal. He would not now, however, press his Motion to a division, having already drawn the attention of the House to the anomalies of the tax.

Motion, by leave, withdrawn.

The House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, April 1, 1851.

Minutes.] Public Bills.—1ª Apprentices and Servants.

Royal Assent.—Consolidated Fund; Passengers Act Amendment; Commons Inclosure; Appointment of a Vice-Chancellor.

AFFAIRS OF CEYLON.

Viscount TORRINGTON said: My Lords, in rising to submit to your Lordships the Motion of which I have given notice, I claim the kind consideration and indulgence of your Lordships. I am conscious that I have undertaken an arduous task. I have to place before your Lordships, in a few brief moments, a faithful and clear narration of the events which took place during the years in which I had the honour of administering the Government of Ceylon, and which have occupied two years of inquiry in the other House of Parliament. But I will endeavour to compress the facts into the briefest possible limits; and, if I should weary your Lordships, I must ask for your kind indulgence, because it will be impossible to avoid reading some few papers in proof of my statements. I am likewise conscious, and it is a matter of deep regret to me, that the public feeling of this country has been very much excited against me, and that circumstance renders it more essential that I should be careful and guarded in every word that I utter. I shall endeavour to avoid stating anything which is not strictly correct, and which cannot be proved by the papers for which I am about to move; and to make so clear a statement to your Lordships as will satisfy you that, in difficult and arduous times, I endeavoured honestly and conscientiously to fulfil my duty. I shall prove to your Lordships that in every civil act which I performed in the administration of the Government of Ceylon I acted with the advice, assistance, and concurrence of my Executive and Legislative Councils. I shall, moreover, be able to prove, with reference to military affairs, that I consulted the officers most competent to give me advice, and that I had their cordial concurrence. I shall go still further, and prove that I received the approbation of all classes in the colony. I shall be able to show that not only the civil and military officers, but the planters, merchants, and tradesmen, and even those who have been summoned by the Committee of the other House of Parliament to give evidence against me, have, at various times during the transactions which have been the subject of inquiry, concurred in my policy. I think I can show that every act of my Government was strictly constitutional. And if I can prove all this, as I think I can prove it, your Lordships will feel that an interpretation has been put upon my conduct which is not justified by the real and true state of the facts.

Mr. Baillie, in another place, having given notice of a Motion highly censurable on myself, on the civil and military officers who acted with me, and on my noble Friend behind me (Earl Grey), and having then withdrawn that Motion, I felt that, in justice to myself, the time had arrived when I should come before your Lordships, and state the facts as they really occurred. I have long submitted in patience and silence to much that has been said against me. I felt that, whilst the matter was under the consideration of the other House of Parliament, it was my duty to abstain from saying a word. But when the Motion of Mr. Baillie was withdrawn, though with the intention of bringing it forward again at a future time, I felt that I ought to lose no time in laying before your Lordships my simple statement of the actual facts. Mr. Baillie's Motion noticed no matter in relation to finance; but your Lordships will bear with me whilst

I relate as briefly as possible the financial arrangements which I made and carried out for the government of Ceylon, and prove that these acts had nothing to do with the rebellion which afterwards broke out; but, on the contrary, that they were highly beneficial to the colony, and received general approval. With regard to some of the imputations which have been made, I might complain that my confidence has been violated, and my private letters made use of; but I assure your Lordships that no one word offensive to any single individual shall fall from my mouth. I am content to believe that all who have acted against me, or taken part in the imputations upon me, have been actuated only by what they believed conscientiously to be their public duty, and a desire for the public interests and honour of the country.

In the remarks I am about to make, I shall divide the subject into three distinct heads: first, the financial arrangements which I adopted; second, the rebellion in 1848, its causes, and its suppression; and, third, the personal allegations which have been made against me.

It is my duty, on the first branch, to state the condition in which I found the colony, the legislation I thought necessary to develop its resources, the effect of that legislation, and the condition of the colony when I left it.

Her Majesty appointed me to the office of Governor of Ceylon in February, 1847. The noble Lord the Secretary for the Colonies placed in my hands a report of Sir Emerson Tennent on the general condition of the colony, together with a report on that report, signed by Mr. Hawes, Mr. Bird, Mr. Tufnell, and Mr. Lefevre; and at the same time I received instructions from the noble Lord, pointing out the desirability of endeavouring to correct the idle habits of the inhabitants, and to induce them to adopt habits of industry and labour, as well with the view of improving their moral condition, as of providing labour for the coffee and cinnamon planters, who were dependent for the cultivation of their estates on the Coolies imported from the coast of India.

I arrived in Ceylon on the 28th May, 1847. I am particular in stating this, to show how speedily I took the necessary steps to follow out my instructions. It had been stated that there was a large surplus in the exchequer, as appeared by the books of the colony; but, on my arrival at Ceylon, I found that this surplus was altogether imaginary — that there was a considerable excess of expenditure over income—that commerce was in a most unsatisfactory state—that the pearl fisheries had nearly ceased — that the cinnamon gardens were becoming wildernesses—and that unless some remedial measures were instantly adopted, Ceylon would soon be in a ruinous condition. By my desire, the Auditor General made a report on the 3rd of June, 1847, from which the following is an extract:—

> "The year 1846 presents a lamentable falling-off, there having been in that year an excess of expenditure over revenue amounting to 81,801*l.* 13*s.* 7¾*d.*, which, though lessened by advances, recovered drafts in transit, &c., by the sum of 6,934*l.* 6*s.* 11½*d.*, still leaves a net deficit on the year of 74,857*l.* 6*s.* 8¾*d.* Deducting this amount from the balance of 129,460*l.* 3*s.* 9¾*d.* in hand on the 1st of January, 1846, it will consequently appear that on the 1st of January, 1847, the balance actually on hand was reduced to the sum of 54,592*l.* 17*s.* 1½*d.*"

Such being the financial and commercial condition of the island at the time of my arrival, with a deficient revenue, and an increasing expenditure, I felt it to be my duty almost immediately upon my assuming the duties of my office, as your Lordships will see by the date, to direct the following circular to be forwarded to the heads of the different departments:—

> "Colonial Secretary's Office,
> Colombo, June 3, 1847.
>
> "Sir—I am directed to convey to you his Excellency's instructions, that you will immediately make every arrangement to reduce to the narrowest limit the expenditure of the votes and balances at your disposal, the available amount of treasure being so far reduced as to engender the necessity for the most prompt and vigilant economy.
>
> "His Excellency has no reason to apprehend any permanent embarrassment in this particular; but the recent decline in the revenue of the colony, from intelligible and temporary causes, has rendered it impossible for the present to sustain the expenditure on the liberal scale of late years. His Lordship trusts to your discretion to extend this principle of reduction, without loss of time, to those heads of expenditure in which its application will create the least inconvenience; and, in every instance where it is practicable, without actual loss or injury to the public service, you will suspend or postpone an outlay for any purpose not urgently required."—I am, &c.
>
> "W. D. Ryder.
>
> "To the Heads of Departments."

I think your Lordships will agree with me, that, things being in such a state, the most desirable course was to effect retrenchment where it could be done consistently with the interests of the public service. But I did not stop here. I immediately laid before my Executive Council all the papers intrusted to me, and after long and careful consideration, and with no undue haste, measures of relief were proposed to the Legislative Council. Three important Bills upon subjects essential to the prosperity of the island, the development of its trade, and the more equal distribution of its taxation, were passed by that body without opposition, namely, the Custom-house Act, the Stamp Act, and the Road Act. The report to which I have adverted had recommended the imposition of a land tax; but years must have elapsed before the necessary surveys could have been completed.

With regard to the Customs Act, I will read to the House from the evidence before the Commons' Committee, and from authentic documents, the nature of that Act, and the effects of the changes made by it:—

> "The export duties were abolished, except the duty upon cinnamon, which was reduced by two-thirds, namely, from 1*s.* to 4*d.* the pound. The import duties were equalised, differential duties being abolished. Generally, the taxes reduced are to be estimated at 42,163*l.* As to the export duties which were abolished, the relief given to certain classes is estimated as follows:—
>
> "To the cinnamon growers about 15,000*l.* per annum, estimated upon the crop of 1847.
>
> "To the coffee growers about 12,000*l.* per annum.
>
> "To the tobacco growers of the northern districts, the cocoa-nut planters and native cultivators, about 3,000*l.* per annum.
>
> "These judicious removals of duties pressing upon production, and the general revival of trade and credit since the mercantile depression of 1847 and 1848, were concurrent with that improvement in the trade of the island, which is shown in the following table." [*See Table at foot of next column.*]

These facts, I think, show that my commercial policy was successful.

The Stamp Act was passed in consequence of the increasing wants of the trading community, and proved a sound measure in practice, though it did not realise the expectations entertained of it as a measure of finance.

The Road Act was entirely successful in its results. Owing to the deficiency of communication in the colony, the produce could not be brought from the interior to the water's edge for embarkation, except at a great cost. The Government, having laid out a large sum of money in making roads, thought it only fair that the people should contribute a small portion to the improvement of the country; and it was decided, with the unanimous concurrence of both Councils, that every male inhabitant of the colony between the ages of sixteen and sixty should contribute six days' labour to the improvement of the roads, commutable at a fixed price not exceeding 3*s.* for the six days. But not only was this measure important, as tending to the improvement of the means of communication within the colony; it admitted the mass of the people to the privilege of electing their own division officers, and formed the germ of municipal institutions. Attempts have been made to represent that this law was distasteful to the colonists, and that it created disaffection amongst the population. But this was not the case. So satisfied were they of its utility, and of the benefits which would result from it, that I have known many, in their eagerness to obtain roads, work double and treble the time required by the Act; and it is a fact, that, by its operation, about six hundred miles of new roads were opened in the year 1850.

Amongst the other financial measures of my Government were the gun tax, the

Exports.	1846.	1847.	1848.	1849.	Increase in first quarter of 1850 beyond that of 1849.
Coffee........	328,791*l.*	387,150*l.*	456,624*l.*	534,454*l.*	122,797*l.*
Cinnamon ...	40,165*l.*	49,167*l.*	44,736*l.*	73,387*l.*	4,081*l.*
Ditto	....	491,687 lbs.	447,369 lbs.	733,781 lbs.	......
Cocoa nut oil	....	285,367 gls.	192,723 gls.	401,672 gls.	8,693 gls.

Salt.—The sale increased in 1849 4,580*l.* beyond 1848.

Tolls increased in 1849, 2,348*l.* beyond 1848.

shop tax, and the dog tax; and these measures have been said to have excited the rebellion of 1848.

The gun tax had been thought a prudent and a precautionary tax by many persons well acquainted with the colony long before I arrived there, and had been recommended by previous Governors. The number of guns which had been imported a short time previously to my appointment, was enormous. Upon this point I will quote a letter of Col. Fraser, the Deputy Quartermaster General, which is in these words:—

> "As connected with this question, I may further mention, that the fire-arms taken from the Kandyans at the end of the Rebellion of 1818, did not exceed 10,000 stand, at the utmost, and at least two-thirds of those (including a large proportion of old match-locks) were in a most unserviceable state; whereas, in 1848, they (the Kandyans) had probably not less than 60,000 stand in their possession, many of them good muskets, or English fowling-pieces.
>
> (Signed) "J. Fraser,
> Deputy Quartermaster General.
> "Colombo, Dec. 12, 1849."
>
> (Answer to Question 2723, 1850.)

The Government thought it wise and prudent that some legislation should take place, in order to ascertain by registration the number of fire-arms in the country; and it was also felt that if the natives could afford to have guns and give large sums for them, they could not complain of paying a small tax. A great outcry has been made against this precautionary measure as having been the cause of uneasiness and discontent. It has been said that the natives had to travel long distances for their licences, and were detained a long time before they could obtain them. But the reply is simple. No man was obliged to go himself to the chief town for a licence. He might have sent for it. One man might have taken the whole of the guns of a village. Licences were moreover granted in all the cutcherries in the country, far away from towns; and the Government agents, in travelling through the country, could, and did, grant licences.

The tax on shops was also a tax designed for the promotion of municipal institutions. It was thought that by raising in a large town a revenue of 300*l.* or 400*l.* a year, the residents might be permitted to manage their own lighting and general rating, and that the useful knowledge of local self-government might thus be imparted to the people.

Upon the dog tax a great deal of ridicule has been thrown, and it has been said that the Government, finding the revenue falling, resorted to the extraordinary expedient of taxing dogs to recruit the finances. Now the measure was not one of revenue—but of police. The increase of dogs in an eastern city is beyond belief; the reason for this in Ceylon is, that the inhabitants are Buddhists, and it is contrary to the religion of the Buddhists to take away animal life. So great was the increase of dogs in the towns, that, at certain seasons, an order for their destruction was regularly issued, and sixpence was offered for the head of each dog destroyed. In consequence, the most brutal scenes took place, and it was thought that these might be prevented by placing a small tax on dogs. A matter of necessary police regulation has been construed into a charge of offensive conduct towards the colonists.

These and other useful measures were passed unanimously by my Executive and Legislative Councils; and I must here repeat the general observation, that all my acts had the entire concurrence and approval of these bodies.

In reference to the results of my commercial measures, I shall quote two of my despatches to the Secretary of State. In that dated October 11, 1848, is contained as follows:—

> "It will be satisfactory to your Lordship to find that, by the exercise of rigid economy in every department, there has been a decrease in the actual expenditure for the half year, as compared with the estimated, of not less than 20,435*l.*; that the diminished expenditure has been most striking under the head of establishments, and that the economical arrangements which have also been adopted under other heads, have been of so successful a nature, that I have been enabled to devote to the expenditure on roads and public works, the repair and improvement of which were extremely urgent, nearly 10,000*l.* more than was anticipated. . . . Upon the whole it is satisfactory to find that, even deducting the arrears, the total revenue of the first half-year of 1848, compared with the corresponding period of 1847, exhibits only a decrease of 3,574*l.*, while the decrease in the comparative expenditure for the same periods was more than six times that amount."

I think that shows that I did my best to reduce the expenditure. On the 15th Dec., 1848, I wrote to the noble Lord in these words:—

> "With my despatch No. 180, of the 11th October, I transmitted to your Lordship several interesting financial tables, showing an excess in the revenue of the island over its expenditure during the first six months of the present year of 14,504*l.*, arising entirely from the large diminution of expenditure within that period as compared, not only with the corresponding period of

> the preceding year, but also with the estimated expenditure of the current year. The decrease in the amount of revenue collected during the same period, amounted to 3,574*l.* compared with 1847. The disturbances in the interior, and the extraordinary military charges entailed upon the colony since the close of the first half of the current year, have naturally placed the Government in a less favourable financial position than must otherwise have been the case."

Before the end of the year the excess of income over expenditure amounted to a sum of 14,594*l*,. and that too in the face of the fact that upon my arrival the expenditure was in excess of revenue.

The following Address of the acting Governor, shortly after I left the island in 1850, proves the highly satisfactory state of the finances at the end of my government :—

> "I cannot conclude the observations which I have thought it incumbent on me to make, without congratulating you, gentlemen, on the remarkable, and, of late years, quite unprecedented state of financial prosperity and promise of which the papers that I now lay on the table afford such satisfactory proof. The comparative statement of the revenue and expenditure for the half of the present year, shows a surplus revenue of 10,663*l.* 18*s.* 3½*d.* And to judge from the large sums received into the public treasury since that date, accompanied by the unceasing care which has been taken to diminish the expenditure whenever an opportunity has been offered, by the fusion into one of different departments of the public service, and a rigid control over the outlay of the public money, it may, I think, be justly and reasonably anticipated that this surplus will be increased by the end of the financial year. You will also perceive, from the papers now laid on your table, that this surplus is no forced or fictitious one, produced by the postponement of charges which would sooner or later have to be paid. I have to point to you the pleasing fact, that within the last few months the whole of the outstanding debts to the presidencies and agents in India have been paid off by the Government. The debt of 50,000*l.* to the Oriental Bank, contracted in the embarrassment of 1848, has been paid off, principal and interest, with the exception of about 11,000*l.*, a sum of 10,000*l.* having been paid within the last few days. Large remittances have been made to the agent general in London, who, contrary to the precedent of late years, in which he has frequently been in advance for payments on account of the Ceylon Government, will have a considerable balance in hand on the 1st of January next. And with all these payments, and this almost total extinction of the debts due by this Government, the accounts of assets and liabilities which I have had made up to the 1st of October last, shows a balance in favour of the colony at the latter date of no less than 62,589*l.* 5*s.* 3½*d.*, as compared with a balance of 36,532*l.* 13*s.* 7¼*d.* on the 1st of January last, being an increase of 26,056*l.* 11*s.* 8¼*d.*—(*Parliamentary Papers*, presented 4th February, 1851, p. 37.)

I do not like to weary your Lordships by going at any length into a mere statement of figures; having shown that I left a surplus revenue of above 10,000*l.* on the half year, or 20,000*l.* a year, I will only add that the result of the policy pursued has been to reduce the expenditure by 53,000*l.* in 1847, by 15,000*l.* in 1848, and by 11,000*l.* in 1849; the expenditure in 1849 being less than that in 1846 by 78,000*l.* In the first nine months of 1850, as compared with the same period in 1849, a further reduction of 16,408*l.* was effected, exclusive of the road department. The exports have increased to an enormous amount; the imports of British goods and of every other article have likewise increased, and industrious habits have sprung up among the people. These results fully establish the wisdom of my financial measures.

I come now to that important portion of the subject which is the groundwork of the charges made against me, namely, my discharge of the difficult and onerous task of suppressing the rebellion of 1848—a rebellion which as I then felt, and now feel even more strongly, would have spread ruin and disaster throughout the colony, if prompt and efficient steps had not been taken to put it down. It has been stated that it was no rebellion, but merely a slight disturbance—a village brawl. I am able to show, that the evidence which left such an impression on the public mind is contrary to the truth. I will remind your Lordships that it is a very different thing to deal with an eastern population, and to deal with a civilised European race. How little they may be trusted, we may infer from the terrible murder of 200 English soldiers under Major Davy, by the natives in the Kandyan provinces in 1818, immediately after a treaty deliberately made. The difficulties of that year were brought about by treating the rebellion too lightly at the outset. Remembering, then, the character of the rebellion in 1818, and having taken the advice of all who were competent to give it, and with the reports now before me, I can say confidently now, as I felt then, and as it was the opinion of everybody in Ceylon at the time, that the rebellion which broke out in 1848 was a most serious and most dangerous one, and one which, but for the prompt and efficient steps taken to suppress it, would have spread ruin and calamity and destruction throughout the colony; and that European capital, to the extent of two or three millions, would have been sacrificed.

Before, however, I state the circumstances attending the rebellion of 1848, I think it will be convenient to the House if I take a retrospective view of our position in the Kandyan country, to afford a clearer insight into the circumstances which brought about that rebellion. Your Lordships are aware that, in 1795, we took possession from the Dutch of the maritime provinces of the island only, and that several kingdoms were still ruled by their own chiefs under a native king. Afterwards, in 1815, by treaty between the chiefs of the Kandyan country and Sir Robert Brownrigg, the government of the whole country was ceded to us. By this treaty, we undertook all the duties of the King of Kandy. Lord Bathurst, in his despatch containing the approval of the Prince Regent, adverts to the difficulties which might arise in carrying into effect this part of the treaty. I think that Sir R. Brownrigg acted too hastily in making that treaty, and that had he waited some time longer, we might have had the country on different and more advantageous terms. The treaty was understood in different senses by the two parties. The chiefs thought they would still continue to govern the country, to oppress the people, and to gather the revenues of Kandy as before, and that we were simply to have the regality of the territory. We, on the other hand, when we undertook all the duties appertaining to the King of the Kandyans, never intended that the chiefs should govern the country at all; but on the contrary, we considered it essential to appoint our own administrators. I believe that this misunderstanding was the original cause of the rebellion in 1818, as well as of all the disturbances which have broken out since. It took two years and the sacrifice of 10,000 men to suppress the rebellion of 1818, and martial law was in operation for more than a year. There was another rebellion in 1823, and serious difficulties arose at that time; there were conspiracies in 1834 and 1843.

Among the duties of the King of Kandy was that of appointing priests to the Buddhist temples. The Colonial Office, long before my noble Friend became Secretary of State for the Colonies, had directed the Government not to make these appointments. It was part of my duty to continue this policy. The Government had therefore, for many years, refused to appoint priests to the temples, or to give any warrant for the collection of the dues to be paid to the temples, and as the only way of getting in these dues was by the warrant of the Governor, and as no warrant was given, the tenants withheld their dues, the temples fell into disrepair and ruin, and this led to great dissatisfaction among the priests and chiefs; when, in fine, we handed over to them the charge of Buddhu's Tooth—a relic which was deemed by them to be of great value, and concerning which they believed that whoever possessed it would hold and govern the country—they were enabled to work upon the superstition of the people, and to induce them to believe that the time had come for throwing off the British rule. I make these statements on the authority of the papers which I now move shall be laid before your Lordships.

The Kandyans have ever, in fact, been dissatisfied with our rule. They have seen their power, their position, their religion declining. They have ever looked for an opportunity of freeing themselves.

It is moreover to be noticed that the improvements which have been going on in the country, have not been without an injurious effect upon their native habits. They had been accustomed to live isolated and retired from Europeans; but their haunts were now constantly being encroached on. The jungles through which buffaloes were accustomed to roam unmolested, are now brought under cultivation; a great number of coolies have been introduced to cultivate the lands which the natives once considered as their own, and great jealousy has consequently arisen among them. These and other causes of jealousy had caused a great deal of discontent and dissatisfaction; and I can assure your Lordships, that during the disturbances which occurred in Europe at the beginning of the year 1848, means were taken by certain parties to sow among the natives the seeds of discontent and dissatisfaction. I am not prepared to say that these parties intended to proceed the whole length of rebellion; but political agitation was introduced into the island, which the people were not accustomed to, and reports were circulated among the natives, that if they went down to the coast they would see a large French force assembled there. The effect of these reports upon the people was very prejudicial. The soothsayers, also, were busy among them, prophesying that on a certain place and day they would be free, and have the independence of their country secured to them.

Before I proceed further, I may state to your Lordships that various parties were examined, as to the causes of the rebellion, before the Committee of the House of Commons, and every one of them, on the question being put to them, whether the taxation which I had imposed had anything to do with the rebellion, declared that the taxation had nothing whatever to do with it. Mr. Selby, the Queen's Advocate, was examined upon this point by Mr. Hume. Mr. Selby was a witness summoned to give evidence by Mr. Hume and Mr. Baillie:—

"Q. 1288, 1850. Mr. Hume—Have you formed any opinion of what the causes were which led to those disturbances?—I have.

"Q. 1289. Will you state them shortly to the Committee?—In the year 1842, an attempt was made in the Kandyan country to create disturbances of a somewhat similar character to those which took place in 1848. I conducted, on behalf of the Crown, the prosecutions in those cases, and I believe that the disturbances in 1848 were attributable to the same cause which created the disturbances in 1842; though I also think that many more people joined in the disturbances of 1848, from the dissatisfaction which they felt in consequence of their believing that the Government were about to impose a great number of taxes upon them; and I think so, because upon one of the trials in 1848, at Kornegalle, it came out in the evidence for the prosecution, that the people who were marching into Kornegalle, to attack Kornegalle, said, 'They have imposed eighteen taxes upon us, and we are going in to pay them.' I conclude, therefore, from that circumstance, that to some extent the apprehension of more taxation being imposed had influenced the people.

"Q. 1290. In point of fact, before the commencement of the disturbances in 1848, had not several taxes, at the end of 1847 and the beginning of 1848, been imposed by the Government?—Yes; but I do not know that the expression which I have referred to had reference to taxes which had been imposed by law, because they spoke of eighteen taxes, and I have reason to believe that the people were under the idea, in consequence of certain returns which had been called for, for statistical purposes, that those returns were wanted with a view to imposing additional taxation.

"Q. 1300. After the statement which you have alluded to in the blue book, and your own experience, are you of opinion that the imposing of those taxes in the Session of 1848 did tend to produce that discontent and dissatisfaction which prevailed in the country?—I cannot say that I think it tended to produce it. * *

"Q. 1306. You were in the Legislative Council when they (the new taxes) were discussed and passed?—I was.

"Q. 1307. Did you give your assent to them?—Yes."

I shall now trouble your Lordships with a few quotations from a charge delivered from the bench by the Chief Justice, Sir A.

Viscount Torrington

Oliphant—a witness also summoned by Messrs. Baillie and Hume:—

"Judging, however, from the conduct of those who seem to have been most active in it (the rebellion), I hope I may be allowed to say that the priests and headmen, the evidence discloses, took the most active part in inciting the people; in fact, any one who attended the court during the last fortnight, and listened to the evidence, can hardly doubt that the common people were driven to it like a flock of sheep. I therefore conclude that this rebellion was hatched by headmen or priests, or both by headmen and priests. That the priests have a cause, and a growing cause, of discontent, I am aware; it is known to the country generally, and therefore needs no further allusion to it here. They have kept a keen eye to the decline of their religion, and it is quite natural that this should raise discontent in their minds; but I am aware, at the same time—and I speak from my own observations—that headmen have been always discontented, as far as their conduct has come to my knowledge; and it appears to me the reason of it is as follows: the remembrance of the former power and authority which they had exercised over the common people has not yet been effaced from their minds, neither is that power, as far as I can see from the evidence, altogether gone, or anything like gone, as is clearly shown by the evidence adduced on these trials. . . . The learned counsel for the prisoners has told us that is one of the causes of discontent among the people of Matelle, and I am quite disposed to agree with him. In my mind, it is these causes which have led to the rebellion, and not simply the imposition of the recent taxes."—(Answer to Question 6880, 1850.)

There was also a question put to the Chief Justice in Committee, which I shall take the liberty to quote:—

"Q. 6888, 1850. You have stated that the causes of the discontent were not the taxes only, but several other matters?—My impression about the taxes is this; that none of the common people knew of their own knowledge by reading, what taxes were imposed; and that therefore no well-grounded discontent arose in their own minds against the Government from knowing and having read, and being sure that it had imposed taxes upon them; but I do not mean to say that the Korales and Aratchies, who drove the people together, did not tell them any stories they liked about the taxes. I have no doubt that they made use of the taxes to excite the people. It was in evidence that the people who came to Kornegalle said, 'Eighteen new taxes have been imposed upon us, and we are come to pay them.' The taxes were certainly made use of by the Aratchies and Korales for mischievous purposes; they told the people that there were eighteen new taxes, and I remember hearing that it was said to be the intention of the Government to tax women's breasts, and other absurdities.

"Q. 6889. In consequence of certain taxes being imposed, did the Aratchies take advantage of that and spread all kinds of reports of a variety of other taxes being about to be imposed?—That is my impression."

Mr. Wodehouse was also examined on this point by Mr. Hume as follows:—

"Q. 4674, 1849. Had there not been cause for dissatisfaction on the part of the priests in the neglect of their religion, which led to discontent in different parts?—Yes, I am inclined to think that is the only cause of discontent of long standing at all."

I think, therefore, that I have clearly proved to your Lordships, that the rebellion of 1848 was not in any way occasioned by the acts of my government; but that it resulted from causes long anterior in date, and over which I had no control.

The next point to which I will direct the attention of your Lordships is the necessity which existed for resorting to martial law. Immediately the disturbances took place, I sent for Colonel Fraser, who was in Ceylon during the rebellion of 1818, and that officer suggested that no time should be lost in putting the island under martial law, and in sending to Madras for troops. As bearing on this, I will read some passages from the evidence which Colonel Braybrooke, an officer in the Ceylon Rifles, gave before the Committee of the other House:—

"Q. 5692, 1850. Do you consider that any necessity existed for the proclamation of martial law on those days (the 29th and 31st July)?—I do. I think that it was a very wise and judicious measure.

"Q. 5693. Could not the mobs or the assemblages of people have been dispersed with the aid of the existing military force, and quiet restored, as well without as with martial law?—From what I now know of the people, I think it is possible that it might have been so; but we were under the impression, from what we had heard of the whole country, that we were on the eve of a great rebellion; that being the case, I think it was wise and judicious on the part of Lord Torrington to proclaim martial law, particularly as I know that in 1817 it was generally believed by the first military authorities that much mischief was done by Sir Robert Brownrigg not having proclaimed martial law soon enough. I do not think he proclaimed it till Feb. 1818."

The testimony of Mr. Wilmot, an advocate practising in Ceylon, both as to the reality of the rebellion, and the necessity for martial law, is of considerable importance, as he defended several of the prisoners. I will take the liberty of reading a letter from this gentleman to me on the subject (*Parliamentary Papers*, 1851, 36—II. p. 203):—

"Colombo, Nov. 8, 1849.

"My Lord—Having seen it announced in the public Journals that it had been stated before the Committee of the House of Commons, that there had been no rebellion, but merely a riot in the Kandyan province, a sense of justice to the Government of the colony prompts me, unsolicited, now that my professional duties on behalf of the prisoners who were tried before the Supreme Court for high treason have ceased, to express my firm and unalterable conviction that there did exist a widely ramified and extended conspiracy among the priesthood and chiefs to drive the British out of the province, and to re-establish a Kandyan throne.

"Having been a resident in the colony eighteen years, half of which period has been spent in the Kandyan province, in the exercise of my profession, I could not avoid observing in the course of a pretty extensive practice, and constant intercourse with natives of all ranks, that a strong feeling of jealousy had sprung up in the breasts of the chiefs since the advent of Europeans into the heart of the country, and the formation of coffee estates by the destruction of forests, which, under the Kandyan dynasty, were considered as a sort of perquisite, or royal bounty, appertaining to the offices of the high functionaries of the Crown.

"Considerable heartburnings also arose from the same cause among the lower orders, as the forests afforded pasturage for their cattle and game, and produced honey and firewood for them, &c.

"A spirit of disaffection had likewise been engendered and fostered by the priesthood, which has increased in intensity since the period when the Government has altogether dissevered itself from the support of the Buddhist religion.

"In the year 1843 I officiated as advocate for prisoners who were tried for high treason, at Badulla, (one of which number was the late Pretender), and in 1848 for those who were tried for the same offence at Kandy, and from facts that came to my knowledge in my intercourse with them, combined with what transpired of their plans and aims in 1843, I entertain not the shadow of a doubt that the object of the insurrection was the expulsion of the British from the Kandyan province.

"That the enterprise was not successful must be entirely attributed to the prompt and energetic measures of the Government, and to the proclamation of martial law. The ordinary tribunals of the country were not adequate to the crisis. The proclamation, therefore, of martial law was imperatively demanded; nor do I think it remained in force an hour longer than was essentially requisite for the entire suppression of the rebellion. It insured the capture of the King, a fact I had from his own lips, and until his capture had been effected, the rebellion might have been indefinitely protracted, to the total cessation of all mercantile and agricultural pursuits, and to the almost certain destruction of life and property.

"This sincere and unreserved expression of my opinion I owe to your Lordship as the head of the Government.—I have, &c.

"Edward P. Wilmot, Advocate for Prisoners."

The papers for the production of which I am about to move, contain letters and reports to a similar effect from the following persons, namely—

Mr. C. R. Buller, Government Agent, Kandy.
Mr. J. J. Staples, District Judge, Kandy.
Mr. Hanna, Police Magistrate, Kandy.
Mr. C. H. De Saram, Police Magistrate, Gampolla.
Mr. K. Mackenzie, Assistant Agent, Badulla.

Rambokpotte Dissave, for 30 years principal headman of Orwah.
Mr. J. Parsons, Deputy Fiscal, Kandy.
Mr. H. Templer, Assistant Agent, Matelle.
Mr. T. L. Gibson, District Judge, Kornegalle.
Mr. Caulfield, Government Agent of the North Western Province.
Mr. Will. Morris, Assistant Agent, Kornegalle.
Mr. Will. Sims, Police Magis., Madawelletenne.
Mr. A. O. Brodie, employed on special duty in the North Western Province.
Mr. E. L. Mitford, Assistant Agent, Saffragam.
(*Parliamentary Papers*, 1851, 36—II. p. 160 to 202.)

The concurrent testimony of so many men of high character and position, proves abundantly the causes and reality of the rebellion, and the absolute necessity for martial law.

Then it has been said, my Lords, that I did not consult with the only persons who were best competent to give advice under the circumstances; but I have to state that, immediately on the receipt of news of the insurrection, I sent for the Queen's Advocate, the Major General, and to Colonel Fraser, who commanded the district during the insurrection in 1818, and consulted with them as to the steps which I ought to pursue. This is confirmed by a letter from Colonel Fraser himself, from which I extract the following passages. This letter is dated the 12th December, 1849. With reference to the assertion that he had not been consulted by the Governor, he said—

> Answ. to Q. 2723, 1850. "The intelligence of the outbreak had not, I believe, been an hour in Lord Torrington's possession, when his Lordship sent for me, and, referring to my experience on former occasions, asked me to favour him with my sentiments and suggestions in regard to that event. All the letters which his Excellency had received from Kandy by the express of that morning were then put into my hands, and in consequence of the very alarming accounts which they contained of the state of Matelle, I suggested that Government should be prepared to place that district under martial law; also that no time should be lost in sending to Madras for a reinforcement of troops, and that a small detail of the latter should be brought over at once and landed at Trincomalee, to enable us to withdraw from that station a large detachment of our own troops, and move them direct into Matelle . . . My opinion being required as to what might have been the result had the disturbances of last year not been properly checked, I have now to state, that had those disturbances ended in a well-organised insurrection of the people of Matelle and the neighbouring districts, the troops would in all probability have been involved in a disheartening and trying service, in which, without assistance from India, it would have been in vain to hope for success, and the Government would have had on its hands a troublesome and expensive contest with its own subjects, to say nothing of the ruinous consequences of such a state of things to the European proprietors of the numerous coffee plantations throughout the interior."

My Lords, I now proceed to point out to your Lordships what steps were taken by the rebels on this occasion. For a village riot, I must say that they took a very unusual course. They proceeded — several hundred armed men — to one of the ancient temples of Kandy — the temple in which all their ancient kings had been crowned—and there they crowned the pretender to the throne, clothed in a yellow robe, with all the pomp and ceremonies of their religion. He was attended by a large number of men as a body guard, and an arrangement was made by which large bodies of men were to spread themselves over various parts of the country, thus distracting the attention of our troops, and on the Sunday, when it was supposed that the soldiers left in Kandy would be at church, they proposed to come down and destroy the town, and then proceed to attack the various British detachments, whose gross number did not amount to more than 800 men. It is not for me to say, my Lords, whether there was any probability of their scheme succeeding; but that such was their intention is clearly shown by the evidence adduced on the trials, and by the confessions of some of the prisoners. Mr. M'Kenzie, a gentleman in the civil service, had been sent to be present at the great annual festival held at the temple at Kattagram, and coming back to Kandy, he found the whole country deserted by its inhabitants. Surprised at the circumstance, he found with difficulty one or two old men, and being able to speak their language, he endeavoured to learn from them what was the cause of this sudden movement on the part of the people; and one of them at last told him, that they had all gone to make war with the English. Now, when your Lordships consider that it is the ancient custom of this people, on the eve of entering into hostilities with their neighbours, to leave their homes, to bury their goods in the jungle, and to take to their arms, I think you can have no doubt that such was their real intention. Under these circumstances, and believing, as I still believe, that a plan had been formed for a widely-spread insurrection, I, acting under a feeling of deep responsibility, proclaimed martial law. I can assure your Lordships that there is not a man in your Lordships' House who is more averse to any abridgment of the liberty of the subject than I am. I am quite aware that martial law is a severe and stringent law, and that its establishment is by no means desirable; but this also I must say, that martial law, while it is, no doubt, a punishment to offenders, is equally a protection to the innocent and the well-disposed. I maintain that, with the knowledge we had that the head men and the Aratchies were disaffected, it would have been impossible to carry on the government of the island without a law differing from that which was usually in force. Martial law, as I have already stated, was put in force with the advice and concurrence of the Major General and the Queen's Advocate—the only two officers of the Government with whom I could consult at the time, being the only persons who happened to be present when the news of the outbreak reached the seat of Government. The propriety of my conduct in this matter I brought myself before the Legislative Council as soon as I could get them together. I submitted to them the whole of the papers, and the acts which had taken place from the time of the first proclamation of martial law; and they concurred with me, and agreed in the propriety of the step which I had taken. I remember to have read the charge of that distinguished Judge, Mr. Justice Patteson, on the trial of the Chartist rioters in 1848, to the jury, and I beg to quote from it a passage which seems to me most appropriate:—

> "It is very difficult," said his Lordship, "to judge of the extent of the precaution that was needed when rebellion or disturbance threatened, for precautions never appeared more unnecessary than after they had been successful."

I maintain, my Lords, that if I had taken any other steps, the country would have been disorganised; or, at any rate, that a feeling of insecurity would have been engendered, and the flow of British capital into the colony would have been checked. The great crop of coffee then on the ground would, in all probability, have been destroyed, and nothing but ruin would have been the consequence. Your Lordships will remember that rebels always forbear to act when they see strong measures taken against them. When I state to the House, that every class in Ceylon, whether civil or military, concurred in the propriety of martial law being established, I ask, whether your Lordships think that men living in this country are likely to be better judges of the steps necessary to be taken than those resident on the spot? I shall read your Lordships a few words as to the estimated amount of that crop of coffee, and its value in the English market, from the evidence of Sir Emerson Tennent (Answer to Question 2857, 1850):—

> "It amounted to 37,802,950 lbs.; its declared value in Ceylon was 456,663*l.* 10*s.* 8*d.*; its average value in the London market would be 748,311*l.* 3*s.* 4*d.*; and the duty which it paid into Her Majesty's Treasury on arrival here, was 661,551*l.* 12*s.* 6*d.* I may add, with regard to the state of public feeling, that, a very few days after the intelligence arrived of the outbreak in Matelle and Kornegalle, a public meeting was held of merchants and planters in Colombo; it was held in the Chamber of Commerce. At that meeting, the editor of the *Observer* attended, and on his way to it he spoke to a planter, Major Parke, who stated to me the circumstance; and that he used the expression, that of that enormous crop not one single pound was ever likely to be gathered; such was the extent of the danger and apprehension at that time."

I think that this House and the public at large, the English merchant, and the English planter, would have said that I was most unfit for the office I held if I had not looked with care and caution to this great amount of property; and if, with these facts before me, I had failed to take all due precautions for its protection.

I must add, that, at the conclusion of the rebellion, I received addresses of thanks from all classes in the island—from the Merchants, from the Chamber of Commerce, and from every Planter in the colony. The following was the address from the Chamber of Commerce, dated the 31st July, 1848:—

> "Resolved — That Messrs. Ritchie, Smith, Swan, and Dawson, do form a deputation to wait upon his Excellency the Governor, to bring before him the great danger to be apprehended to the planting interest by the existing disaffection in the interior, to express to his Excellency the hearty concurrence of the Chamber in the prompt measures adopted by Government to suppress insurrection, with the assurance of the willing and active co-operation of the members in case of need; and to pray that his Excellency may adopt such measures as may be best calculated to avert the impending ruin which threatens the colony, by the departure of the Malabar Coolies from the island while under the influence of alarm."

I also received the following resolution, passed at a public meeting at Kandy, Sir Herbert Maddock in the chair:—

> "That this meeting tender its cordial thanks to the local Government for the prompt and energetic measures taken to suppress the rebellion lately raised within this and the other Kandyan

provinces, and for the protection of Her Majesty's peaceable and loyal subjects."

And at a public meeting held at Colombo on the 5th August, 1848, James Swan, Esq., in the Chair, the following Resolution was passed—

> "That this public meeting, consisting of the inhabitants of all classes resident in Colombo, do most cordially and heartily express their unanimous concurrence in the prompt and active measures of the Government to suppress rebellion in the Kandyan districts."—(See *Parliamentary Papers*, 1849, p. 193, *&c.*)

The *Observer* newspaper published in Ceylon, although opposed to my policy generally, nevertheless praised me for the measures I adopted for the suppression of the rebellion in these terms (Answer to Q, 2855, 1850):—

> "We believe the opinion is universal that great credit is due to the head of the Government and all concerned for the energy of the measures adopted in putting down the rebellion; and we therefore entirely concur in the deserved praise of his Excellency and Colonel Drought, and the military generally. Sir Herbert Maddock has done all branches of the public service ample justice, and we have no disposition to retract one iota from the compliment passed upon them. Though we differ from Government in opinion as to the propriety of certain public measures, we should consider the person who refused his countenance and aid, if necessary, in the endeavour of Government to repress revolt, as insane."

Those were the opinions expressed by the organ of the Opposition at the time, and therefore I am entitled to assume that every person in the island approved of what I had done. The Legislative Council likewise, in October, 1848, distinctly approved of my conduct, and voted an address of approval, which was carried by a unanimous vote of the Council. The following is an extract from the document:—

> "We beg to express to your Excellency our satisfaction at the speedy and successful suppression of the insurrection which has taken place in some districts of the interior, and for which we feel ourselves indebted to the prompt declaration of martial law, and the zealous and able exertions made by the officers, non-commissioned officers, and privates of Her Majesty's forces serving in this colony. We fully participate in your Excellency's earnest desire for the speedy termination of martial law, and shall be ready to give our best attention to the Bill of Indemnity proposed to be laid before us."—(Answer to Question 3927, 1850.)

Again, in September, 1849, the Legislative Council addressed me as follows:—

> "The Council have received, with much satisfaction, your Excellency's announcement of the continuance of tranquillity throughout the island, which they believe to be mainly attributable to the energetic and prudent measures adopted by your Excellency during and after the disturbances in 1848."—(*Parliamentary Papers*, 1851, 36—II. p. 78.)

Now I must remind the House that this Address was signed by Gentlemen who were supposed to be opposed to my policy, and, among others, by Gentlemen who now affect to doubt whether there was any rebellion at all. Therefore it is only fair that your Lordships should judge of these acts as they appeared to us at the time, and not, as it is now endeavoured to make the public do, by searching through all the evidence and papers to see if they can find anything that could make against me. I am entitled to have a fair and just interpretation put upon my actions; and these I am confident will show that I endeavoured to do my duty to my Sovereign and to my country. I am confident that your Lordships will so interpret them, and that you will not strain and wrest them to put an interpretation upon them which they were never intended to bear.

But it has been stated that martial law was continued longer than was necessary. I have shown to your Lordships that every person connected with the Government concurred in its first establishment. And so long as the Pretender was abroad, there were strong and cogent reasons for its continuance; for his remaining at liberty would have kept alive the rebellion, and it was exceedingly difficult to apprehend him, owing to the sympathy of the disaffected. Watch-fires were lighted by his adherents, to give notice of the movement of the troops; whenever our soldiers came within a mile of him, guns were fired to give warning of their approach, and every means were adopted for his concealment. While this state of things continued, it was found that the people would not return to their homes. I thought, therefore, that it was a wise and humane measure to continue martial law, and the public generally concurred in that view. They saw nothing wrong in it. The well-affected were not injured by it, though the idle and the dissipated might be. Some disaffected persons might have objected to it; and a few proctors in Kandy did object to it; they said they were starving in consequence of the proclamation of martial law, for they could get no business, as the civil courts were closed. No doubt that might be so; but the House will observe that this was not an objection put forth on behalf of the public, but simply on the ground of their own sufferings. The Pretender would never have been taken, but for the existence of martial law, for there was not one of the headmen who would assist in his capture. I can assure your Lordships that however worthless his pretensions may appear to be, he would, so long as he continued at liberty, have still been called the King in that country. In proof that I acted right in maintaining martial law, I will venture to read to your Lordships a letter from the Deputy Queen's Advocate confirming this view (*Parliamentary Papers*, 1851, 36—II. p. 312):—

> "Too soon to have removed martial law (by which the military were enabled to exercise many other powers besides that of trying and punishing offenders) would, in all probability, have rendered another rising probable, and the effusion of more blood necessary. The Pretender would but too speedily have had intimation that the ordinary course of law was resumed, and he would gladly have hailed the change as affording him another opportunity to gather his scattered followers, and make a renewed attempt. The people, it must be borne in mind, were mortified with their losses, and would not require much persuasion to join the King; and amongst an ignorant population no great difficulty would have been experienced to make them believe that the discontinuance of martial law was owing to a want of power to support it. How comes it that the rebellion of 1818 proved, in many respects, so very disastrous to both the Kandyan and the European? Its commencement did not witness great numbers in revolt, yet, as is well known, the suppression of it cost not only an immense outlay of money, but also occasioned the loss of many lives, and made considerable military assistance from India necessary. In that rebellion the civil power acted for a considerable period, aided only by the military; martial law was not at first proclaimed; and the rebellion waxed strong, became alarming, and serious. Ultimately, however, recourse was had to this law; it was continued for some months, and the insurrection was suppressed."

Mr. Baillie has charged the military employed in putting down the rebellion with unnecessary cruelty, because it happened that when the troops engaged the rebels, one only of the former was wounded, while many of the latter were destroyed. Now, in warfare with savage tribes, it constantly happens that the great loss of life is on the side of undisciplined barbarians. But the manner in which the circumstance referred to is more particularly to be accounted for, is perhaps not generally known; and I will therefore state it. About an hour, or an hour and a half before our troops were engaged with the rebels, a heavy fall of rain occurred, which so completely wetted the priming of the matchlocks of the natives that they only snapped when they attempted to discharge them; while the muskets of our troops, being provided with percussion locks, were quite fit for service. That, my Lords, was the real state of the case. I must say, I think this is the first time that such a charge has been brought against the officers of our army. It is not likely or possible that any Governor, be he who he may, would be able to compel these men to do any act from which the feelings of gentlemen revolted. What is the character of these officers? There is Major General Smelt, an officer who has served with great distinction, and whom all parties agree in representing as an able, an amiable, and a gentlemanly man—a good officer with a good-service pension—is it likely, my Lords, that he would allow of, much less commit, any act of injustice, cruelty, or persecution? Then there is Colonel Fraser, a man who led a forlorn hope in the Peninsula—was he likely to have committed an act of injustice, or anything that would stain the honours of his long career? Then, when I come to inquire into the character of Colonel Drought, I find that he served with Lord Charles Wellesley, who states that a better man or a better officer never existed—that he was beloved both by officers and men, and that there was not a man in his regiment who did not feel these charges as an injury and an insult. Then there was Major Lushington, a man who had served with distinction, and had received a medal for his gallantry in the field—who is related to one of the legal ornaments of this country—was he likely to have been guilty of acts of cruelty and injustice, or to have allowed any proceedings in a court-martial which were improper? With respect to these trials, there is before me a letter from a clergyman, who says that he was present at one of them, and that extraordinary pains were taken to give the prisoners fair play—that the proctors of Kandy were present at the trial, and were asked to undertake the defence, but that they declined to do so. These were the men who made the charges of cruelty; and they who are so anxious to accuse me and the military officers of inhumanity were the very men who were so inhuman at the time as to refuse to defend the unfortunate prisoners, because they were not hired for the purpose.

The crimes for which the rebels were punished were treason, aggravated murder, and highway robbery. These were grave crimes, and they were tried and punished with equal severity in the civil courts as in the courts of martial law; and, with reference to the number of military punishments, your Lordships must remember that the military had the whole charge of the peace of the country, and that they were acting as the ordinary police, and that every misdemeanour came before them. But to show that the same feeling animated both the military and the civil courts, I may state that out of thirty-four prisoners tried by the Supreme Court, before the Chief Justice, on charges of high treason, for acts committed just before the proclamation of martial law, seventeen were convicted and sentenced to death. Why, then, should the courts-martial be accused of inhumanity because they arrived at a similar result? Now, no one doubts but that the civil courts acted rightly and properly, and I say their conduct is a proof that the military court did not act wrongly.

It has been stated by Mr. Baillie that we have alienated the affections of the Kandyan people by the severity of the proceedings to quell the rebellion. If this is so, my Lords, these people have lately evinced their want of affection in a most remarkable manner; for by the last mail from Ceylon I received information that the native chiefs and residents in the Kandyan country had subscribed to present Colonel Drought (the officer charged with undue severity) with a piece of plate, in proof of the good feeling which they entertained for him and his regiment. This fact, my Lords, is in direct contradiction to Mr. Baillie's statement; and it is the more remarkable, as no similar compliment has ever been paid to any of the regiments serving in Ceylon.

Much has been said about the Chief Justice having recommended to mercy a prisoner who had been convicted before the Supreme Court, and of my objecting to the recommendation. But, my Lords, I objected not to the recommendation, but to the reason which was given for the recommendation. The Chief Justice did not simply recommend the prisoner to mercy, but he stated that the extreme severity of the law ought not to be carried into effect in that particular case, because the other courts had punished similar offenders with great severity. I did not think that that was any sufficient reason. It was a censure upon the other courts, and it was as much as to say, that because other courts have been severe, therefore, my court will not fulfil its duty. If he had merely said that it would be desirable to extend mercy to the prisoner, I would have attended to the recommendation at once; but it appeared to me, that to have done so under these circumstances, would have amounted to a tacit censure on the other courts, and it was with these feelings that I wrote the letter which has been so often referred to.

It has been asserted that the courts-martial were improperly conducted; that their proceedings were precipitate and irregular—that on one occasion the wrong man was shot—and that on another an innocent priest was shot. In respect to these charges, I will refer your Lordships to the published and printed proceedings which took place before the Committee of the House of Commons, which will prove to your Lordships that that opinion, wherever else it might be entertained, was not concurred in by them. It is necessary here to remark that Mr. Hume on the 18th of April moved as follows:—

> "That the chairman be instructed to move that an humble Address be presented to Her Majesty that She will be graciously pleased to give directions that there be laid before this Committee a copy of the proceedings upon the trial by court-martial (of three members) of Nichalle Puncheralle, of Melyitya Appoohammy, of Alutgamme Bandy, and of Allawalle Godde Leortin, on a charge of high treason at Matelle, on the 6th of September, 1848, who were sentenced to be shot, and which sentence was carried into effect on the following morning; and copy of the proceedings upon the trial by court-martial (of five officers) of the priest Kaddah Polla Unanse, at Kandy, on the 25th of August, 1848, on a charge of holding correspondence with rebels, and for administering or conniving at the administration of a treasonable oath, and sentenced to be shot to death, which sentence was carried into effect on the following morning."—(*Parliamentary Papers*, 1851, 36, p. vi.)

The Committee divided:—Ayes 6; Noes 4. The Motion was therefore carried by a majority of 2. Accordingly, on the 29th of April, copies of these proceedings of the courts thus specially selected by Mr. Hume were produced to the Committee by Mr. Hawes. They were read by Mr. Hume, and by other members of the Committee. No further proceedings were taken upon them: no Motion for printing them was made; and the Resolution of April 18th was rescinded in the following terms:—

> "The proceedings on the courts-martial alluded to in the resolution of the 18th April having been laid on the table by Mr. Hawes: Motion made and Question put, 'That the Resolution of 18th April be rescinded.' 'It was resolved in the affirmative.'"—(*Same Papers*.)

And as these proceedings sustained none

of the allegations mentioned, no further reference was made to them. Mr. Stuart Wortley, the late Judge Advocate, as appears from the proceedings, was present on both the days referred to. Therefore, I have a right to assume that the proceedings of the courts-martial were approved of—that they were held to be proper and right by the Committee. The Deputy Queen's Advocate thus officially reports upon the proceedings of the courts-martial in Kandy:—

"With reference to the courts-martial in Kandy, having officiated as Deputy Judge Advocate on the four first trials, I am enabled to speak of the manner in which the proceedings in them were conducted. The evidence in each was fully taken down, the prisoners had every opportunity given them of cross-examining the witnesses, and had every facility afforded them of making their defence. The trials usually occupied several hours, and no unseemly haste was manifested in getting through them. In one of the cases—that against Porang Appoo—the active part he was known to have taken in the rebellion was not proved, and I intimated my opinion, that it would be proper to have such evidence. But the court did not consider it necessary, under the other circumstances established." — (*Parliamentary Papers*, 1850, p. 22.)

As to the trial of the priest, the testimony of the persons who were in court was conclusive as to the mode of conducting it. On this point I beg to read a statement made by the Rev. S. O. Glenie, resident chaplain at Kandy, who was present at it. (*Parliamentary Papers*, 1851, 36—II. p. 143:)—

"As I was a resident in Kandy at the time, and was in the court from the commencement to the conclusion of the trial, and as the evidence of one competent, from his education and pursuits, to form an opinion, may deserve some slight attention, I venture to address you these few lines, detailing the impression made on my mind at the time. Having never had an opportunity of witnessing a court-martial's proceedings in cases other than purely military, and having been desirous of observing its mode of taking evidence, I determined, on the occasion of the priest's trial, to attend throughout, and closely to watch all proceedings. I did so from the opening of the court until the delivery of the sentence; and the conclusion forced upon me by the clear and simple evidence I heard was, that there could not exist in an unbiassed man's mind a shadow of doubt as to the guilt of the priest. The court-martial appeared to me to be conducted with the greatest possible fairness towards the prisoner; as one instance of which, I may mention that the president, Major Lushington, seeing some of the Kandy bar in the court, notified to them that he would gladly permit any of them to aid or advise the priest, in questioning or cross-examining the witnesses. This was also communicated to the prisoner, but neither did he seem to wish to avail himself of this assistance, nor did any of the legal gentlemen tender it to him. I felt convinced at the time, and am so still, that a jury, free from faction and aware of the obligation of jurymen's oaths, must have brought in a verdict of guilty. I should not have required five minutes' consideration, had I been on a jury, to make up my mind on the evidence I heard produced before that court martial.—Yours, &c.

(Signed) "S. OWEN GLENIE."

Then it was brought against me, as a grave charge, that I had executed a priest in his sacerdotal dress. My Lords, I might content myself with saying that this man had no other dress than the one yellow garment, the badge of his priesthood, in which he was taken. Had he not been excuted in that garment, he would have been executed naked. But I go further—to have taken off the robes of the priest would have been, in the eyes of the people, to have deprived him of his office. He would have suffered as an individual, and not as a priest. The rebellion having been principally excited by the priests, it was necessary, when the offence of treason was clearly established against one of that body, to make an example of him, and to execute him as a priest for the purpose of showing that the priestly character and robes did not confer any exemption from the consequences of such grave crimes.

On this point I beg to read an extract from a letter written by Mr. Sawers, specially charged with the affairs of Government at Badulla, to Sir John D'Oyley, resident of Kandy, dated the 26th October, 1818. After mentioning the capture of a priest named Ambagolle Unanse, he writes as follows:—

"I humbly conceive there could be no more proper subject selected for a capital example than this man, and I would beg leave to observe that as Madregalle's first treason was entrusted to and fostered by priests, and as the late rebellion originated, as I believe, entirely with that order, the Pretender himself being a priest; unless some capital examples are now made of those who were his first colleagues, and through whose influence mainly over the superstitious minds of the people the delusion became so general in these provinces; unless, I say, some capital examples are made, without regard to the pretended sanctity of the yellow robe, we can expect nothing less from them in future, than that every Pansela in the interior will continue to be, as they indubitably have been under our government, the hotbeds of conspiracy and treason."

My Lords, I contend that the charge of unnecessary severity and bloodshed was inconsistent with the address of the Legislative Council after martial law had ceased; and especially inconsistent with the fact, that Mr. Wodehouse, who, as it now appears, dissented from the Government policy himself, drew the draft of the address, thanking the Governor for the prompt declaration of martial law, and the zealous exertions of the officers. It was also inconsistent with the subsequent address of the Legislative Council in September, 1849; wherein it was said that the tranquillity of the island was mainly attributable to the energetic and prudent measures which had been adopted during and after the disturbances. If the Motion that was to have been submitted by Mr. Baillie to the other House of Parliament, had been brought forward, I could have pointed out to your Lordships, that a Motion to the same effect was proposed by Mr. Hume in the Committee, and was rejected by them. Mr. Hume's Resolutions, which, as I have said, were rejected, were in these terms:—

> "1. That, in the opinion of this Committee, the disturbances which took place in Ceylon in the year 1848, were confined to two small districts of the Kandyan provinces, and did not extend to any other part of the island. 2. That it is the opinion of this Committee that the civil power, strengthened by the presence of a military force, ought to have been sufficient for the restoration and maintenance of public tranquillity; and that, whatever necessity may have appeared at the moment to exist for the proclamation of martial law on the 29th of July, 1848, the continuance of that law to the 10th of October following, the sacrifice of life, and the confiscation of property, during its operation, were unnecessary and unjustifiable."—(*Parliamentary Papers*, 1851, 36, p. xii.)

The Committee negatived these Resolutions; and thereby, I contend, showed that, in their opinion, Mr. Hume was not justified in proposing them. I can only say for myself, and for every man connected with the proceedings which took place in reference to martial law, that it was with feelings of extreme sorrow and regret that we saw the necessity which existed for its establishment, as well as for the proceedings which took place under it; and I think that the House, and every man educated in the same principles as those professed by your Lordships, cannot by possibility suppose, under any circumstances, that I, or any of the gentlemen implicated on the occasion, would have acted as we did, had we not thought it was our duty.

It has been stated and put forth to the public, that great cruelty was exercised by the Government in the sequestration and confiscation of property in the disturbed districts. I distinctly say, that there was not a single case of confiscation—that sequestration there was none; on the contrary, where property was deserted and left alone, it was taken possession of, and accounted for; if perishable, it was sold, and the proceeds were handed back to the owners when they claimed them. There was not a single confiscation; but, at the same time, it is impossible that any Government can be always answerable for every single act that takes place in its name. I am not prepared to say that, in some instance that I am not acquainted with, some slight error or mistake did not take place; but I consider that the general conduct of the authorities in respect of property was correct and proper. There was one case, in which an article of property was taken from an individual; but, on hearing of it, I immediately took notice of it, and the party was ordered to be paid the full value of it.

With respect to the proclamation issued by Captain Watson, and the circumstances connected with it, I have merely to say, that those circumstances being under investigation, I do not think it expedient to go into them; but I must assure your Lordships, that I never heard of that proclamation, nor, so far as I knew, did Colonel Drought, until he saw it in the *Times* newspaper, as stated by Mr. Baillie in the other House of Parliament.

When the news reached me, at the end of March, 1849, that a Committee of the House of Commons was appointed to examine into the affairs of the colony, my feelings, for myself and all concerned, were deeply painful. I saw that the most severe language was used against us in Parliament, and we found ourselves, I may say, held up to the execration of the public. Charges were made founded on the grossest misrepresentation. I saw that it was impossible for me to continue to discharge satisfactorily the duty of Governor. I now must say, not with a view of making any charge, but of pointing the matter out to the House, that in similar circumstances in future it may be desirable, and may be the most prudent course, to remove the Governor immediately from his post, for it is utterly impossible that he can satisfactorily discharge his duty, whilst in another place, and thousands of miles off, there is a Committee sitting upon his conduct.

I have now gone through the two points with respect to the finances and the rebellion; and I shall now show that the policy of my Government met with the approbation of the influential classes of the colony. The Address of the Legislative Council in September, 1849, to which I have already adverted, contained the following paragraph:—

"They are further gratified to find that the efforts of your Excellency's Government to promote the welfare of the people are better appreciated, and that your endeavours to develop the resources of the island have been so successful, as evinced by the large increase of colonial exports, and the general improvement of the public finances."

On the 7th of August, 1850, I received the following address from the merchants of Colombo, in consequence of the announcement having been publicly made that I had sent in my resignation:—

"Colombo, August 7, 1850.

"My Lord—We hope you will excuse our addressing your Lordship on the present occasion, as we feel ourselves called upon to express our sincere regret that your Excellency has deemed it right to tender your resignation of the governorship of this island, and we beg to assure your Lordship that, notwithstanding all past differences, we feel that the interests of trade and the general prosperity of Ceylon would be most seriously injured by your Lordship withdrawing at the present time from the colony, besides which we conceive that it would have a bad effect upon the native and mixed population. From the experience and intimate knowledge of the requirements of the island, gained by your Lordship during the past two years, we are confident that the contemplated reform in its institutions, so essentially necessary, would be fearlessly and impartially carried out, and the general welfare of the colony better advanced under your Lordship's Administration than under that of any stranger. Your Lordship has already been thanked by almost the entire independent European population for the speedy termination put to the late rebellion, which at one time threatened destruction to all holding any stake in the colony; although some parties have endeavoured to make it appear as a mere village brawl. We have to notice the much improved drainage and cleanliness of the towns, and throughout the country we notice, with great satisfaction, the successful introduction of the road ordinance, which must prove ultimately of vast importance to the colony, and we trust that the peace and prosperity of our island will be insured by your Lordship still remaining amongst us." — (*Parliamentary Papers*, presented 4th February, 1851, p. 29.)

That is signed by various merchants of eminence in the colony; and here is another from, I may say, the whole of the planters:—

"Kandy, August 17, 1850.

"My Lord—We the undersigned European inhabitants of the Central Province, beg to intrude upon your Lordship with an expression of our regret at the course which you have deemed it necessary to adopt in the resignation of the government of this colony. Putting aside entirely all considerations which from minor causes may have at any time influenced our feelings towards you, we now beg to express our sincere regret that circumstances should have rendered it necessary for your Lordship to withdraw from amongst us. We believe that such a step on your Lordship's part, at the present juncture, will not be attributed by the native and mixed population to the right cause; consequently, the feelings which actuated your Lordship in tendering your resignation, being capable of misconstruction by designing and disaffected persons, the course which you have now deemed it proper to adopt will have a most prejudicial effect upon the minds of the people and the future welfare of the colony. Your Lordship has shown a consideration for the interests of the agricultural community to which, under former Administrations, it has been a stranger, by various ordinances calculated to reduce the enormous expenses of coffee cultivation and transport; namely, by the abolition of the export duty upon that article of commerce, and the opening up of the country by the road ordinance. By the latter, bandy roads and bridle paths have opened up what were formerly almost inaccessible tracts of country; and even in its infancy we can foresee the vast benefits which must accrue to the country, when carried into full operation. The thanks of the inhabitants of the Central Province for the prompt measures by which your Lordship destroyed in the bud a rebellion which, judging from the history of this island, would otherwise have been both disastrous to the loyal, and painful and protracted to the insurgents, are already on record; but we take this opportunity of again tendering our thanks to your Lordship for a policy which protected the isolated and solitary planter from outrage at the hands of the rebel, and his property from destruction, at a time when a universal monetary catastrophe had already reduced too many to the verge of bankruptcy. We beg to conclude by expressing our regret that, almost at the moment when your Lordship's improvements in the colony were beginning to operate, and the benefits to be hereafter reaped from them to dawn upon the public mind, circumstances should deprive us of your Lordship's longer sojourn amongst us.—We have, &c.

(Signed) "GEORGE ELPHINSTONE DALRYMPLE,"
And 150 other persons.
(*Parliamentary Papers*, presented 4th February, 1851, p. 32.)

I think your Lordships will consider that these addresses afford a fair expression of the opinion of the colonists, and are evidence that my administration, from beginning to end, met with universal approbation from every class of the community.

I have now stated to your Lordships the whole of the points connected with the charges which have been alleged against me. I hope the noble Lord opposite, who has had considerable experience in colonial affairs (Lord Stanley), if he has observed anything in these charges which he does not deem to have been sufficiently answered or explained, will do me the kindness and the justice of pointing out what are the points which, in his opinion, require further explanation. I feel that I have a right to ask thus much of the noble Lord, and of all your Lordships. At any rate, I have taken what

I believe to be a straightforward and manly course. I have endeavoured, to the best of my ability, to explain the course I have taken in the difficult and trying circumstances in which I was placed. I ask you to recollect the difficult position I am placed in; and I ask the noble Lord opposite (Lord Stanley), as one who is acquainted with the colonies of this country, whether, when a public servant in the discharge of his duty does what he believes to be best for the interest of his country, and whose policy has met with the cordial support of every class of persons in the colony, it is fair that he should be censured by the public voice, without the necessary knowledge to warrant a judgment being formed? I have done my duty to the best of my ability, and I therefore trust that I may appeal to the noble Lord for the expression of his opinion on the subject.

I have only two other subjects which I feel it my duty to bring under the consideration of the House. They are matters of a personal nature. It has been stated, and most industriously circulated, that, in reference to the execution of an unfortunate criminal, I made use of language of a very improper description. If the Gentleman who made that statement (the Queen's Advocate) had in any way moderated the terms in which he gave evidence on this subject, I might have remained silent; but he has not done so. I had the good fortune to have two gentlemen with me at the time when I am alleged to have used that language, Colonel Drought, and another gentleman, and they are both ready to state that I never in their presence made use of the language imputed to me. I never was alone with the Queen's Advocate on that occasion, and I now distinctly state to your Lordships most solemnly, and on my honour, that I never made use of such an expression as has been attributed to me, or of any improper expression on the subject.

I have only one other subject to refer to. In opening my address to your Lordships, I said that it was not for me to make any comment on the censure which has been cast upon me. Gentlemen of greater ability and knowledge than I possess have thought that the course adopted in the production of private letters was right and proper; but I must be allowed to differ from them. I have now a painful duty to perform, and I shall not shrink from performing it. I have to acknowledge that on the 3rd of May, 1849, I wrote a private letter respecting an official person in the colony, and I admit there was an apparent discrepancy between that and other letters I had written. [The noble Lord was understood to refer to the letters written by him to Sir E. Tennent and Mr. Wodehouse.] I acknowledge the impropriety I was guilty of on that point. I was irritated and worried by the circumstances around me, and I committed an act of indiscretion for which I shall be ever sorry. But, my Lords, I am the only sufferer. I have lost that office which it was my pride and happiness to possess; and, expressing my contrition for that single act of indiscretion, I throw myself on your Lordships' consideration. The noble Viscount then moved—

"That a Message be sent to the House of Commons for a Copy of the Report and Evidence of the Select Committee on Ceylon."

EARL GREY: I do not wish to prolong the discussion on this matter, except to say what I think I am bound to say in reference to the statement which has just been made by my noble Friend. Like my noble Friend, it would be more satisfactory to me, as I also am to some extent implicated, if the ground of accusation brought against him could have been stated in this House in such a way that I might have had an opportunity of answering it; but as this is not to be the case—as the noble Lord opposite (Lord Stanley), on the present occasion at all events (and it is no more than I expected), will not take up this case against my noble Friend—as this case is not brought forward on the other side, it would ill become me to enter into elaborate details, or to do more than the necessity of my position calls for. But this much I must say, that I think my noble Friend has taken the fitting and proper course in making to your Lordships the statement he has just made. He reminded your Lordships of the peculiar circumstances in which he has been placed. For two years and a half he has been the mark for all the shafts of calumny in reviews and newspapers, showing a degree of malignancy and a disregard of truth that are a disgrace to the press of this country, and which have not ceased to be brought forward against him. And, more than that, proceedings have taken place in the other House of Parliament calculated to give increased currency and effect to those calumnies, while at the same time the parties accused were, in the nature of things, precluded from meeting them. To show the sort of position in which my noble Friend has been placed, let me mention this one circumstance, and this one circumstance only. During the first year of the Parliamentary inquiry, the year 1849, much evidence very hostile to my noble Friend was brought before the Committee. At the end of the Session a Motion was made (this appears from the public Votes and Proceedings of the Committee) by one of the Members of the Committee, that the evidence should be reported to the House, and of course published to the world. The Motion was rejected by a majority of 9 to 1. I am not sure of the majority, but I am sure of the minority—the Motion was supported only by a single voice, and the Motion was rejected on the avowed ground that the evidence against my noble Friend only had been heard, and that it was unjust it should be made public until the evidence on the other side had been heard also. Did that decision of the Committee answer the purpose for which it was intended by the Committee? No; it would have been better for my noble Friend to have had the evidence published at once in this country. Though it was decided that the evidence which had been given should be kept back and not published in this country, garbled extracts, that could legitimately be only in the possession of a Member of the Committee, were sent to Ceylon and published in the newspapers there, and were thence transferred to the journals in this country, in a manner which tended most directly to damage and injure the cause of my noble Friend. As my noble Friend has said, how was it possible for a Governor to carry on the government of a colony when his conduct was the subject of inquiry and of statements of this nature? I say if an inquiry were conducted, as it should be, by persons having a due sense of the responsibility of the great powers entrusted to a Parliamentary Committee, that inquiry may be conducted without injury to the public service, and frequently with great advantage; but if the Members of a Committee are to disgrace themselves by permitting garbled evidence, or extracts from evidence, to be published in the colonies to injure persons whose conduct is under inquiry, and if every person for whom a command has been applied and who has been refused, or for whom an appointment has been asked and refused, or if some irregularity has been punished—if every such individual is to be entitled to come and state his case and show his hostility to the Governor, then indeed I do admit that inquiries of this kind are destructive to the public service, and can scarcely be carried on with safety. Having been the object of this kind of inquiry, and conducted in this spirit, I do think my noble Friend was right in bringing the case before your Lordships. He has waited patiently for many months; while he believed the subject was to come regularly under discussion in the other House of Parliament, he most properly abstained from bringing it before your Lordships; but when the notice given was indefinitely postponed, when those calumnies of which he was the object were allowed to continue, and the injury to be increased by this continuance, I think it was obviously the duty of my noble Friend, with a view to his own honour that he should state to your Lordships the facts in so complete a manner as to enable your Lordships to form an accurate opinion on the case. Being a Member of this House, it was not becoming of him that he should make this vindication of himself through the press, or by any other means than those he has adopted. I must add one word. I was prepared to maintain, whenever the proper time had come, that my noble Friend's acts and general public administration of the colony redound greatly to his own credit, and have proved eminently advantageous to the colony itself; that when he arrived out, he found the colony in a state rapidly approaching to bankruptcy; that in spite of the commercial storms of 1847 and 1848, which no place felt more severely than Ceylon, he brought the colony through that crisis, restored the finances, and contributed much to the re-establishment of commercial as well as of financial prosperity. He has had to deal with a rebellion which he has shown proceeded from causes of discontent of long standing, and which had existed long previous to his assuming the government, and that this rebellion was repressed by the wise policy and promptitude of the measures which he adopted. And I will not hesitate to express my opinion that true humanity was consulted by the measures of my noble Friend. He was not the only party on whom responsibility rested; for though the Governor is indeed responsible for proclaiming martial law when he thinks a sufficient case for it exists, yet having proclaimed it, it rests with the officers by whom that law is carried into effect to administer it with humanity as well as firmness. I say the whole of the evidence which has been taken goes to show that the officers to whom those great powers were entrusted have shown throughout that they acted with a high feeling of the great responsibility that was thus imposed on them. It was their most earnest object and desire to use those powers as promptly as they could to restore peace and tranquillity—to protect Her Majesty's peaceable subjects by punishing as small a number as was possible under the circumstances of the case. To say no abuse took place during the existence of martial law is, as my noble Friend stated, more than any man can take upon him to assert. We know that in time of war and periods of rebellion, when the ordinary administration of the law is necessarily arrested, and the usual restraints that curb the evil passions of makind are to some extent withdrawn, it is impossible to suppose that abuses will not sometimes take place. The noble Duke knows that. To check such abuses the noble Duke was frequently obliged to adopt measures of great severity and of wholesome rigour. In the same way, when the noble Lord adopted the course he did in Ceylon, it is possible abuses did take place; but it is equally clear that whatever abuses did take place, they were against his desire and wish, and that nothing was left undone that was in his power to check and punish such abuses. There is but one more observation that I have to make. There is one point that I am bound to allude to, painful as it is. It is that to which my noble Friend has referred at the conclusion of his speech. My Lords, I am sure all of your Lordships must have been touched by the candid and manly admission which my noble Friend has made. Undoubtedly I did feel that I never experienced so much pain in my life as with repect to that matter. Having found that my noble Friend came out triumphantly of the ordeal of such an inquiry as never before, I suppose, was instituted into the conduct of any public man in reference to his public acts of administration, it gave me more pain than I can tell when the disclosure as to that letter was made, which made it evident to me that my noble Friend was placed by that letter in a position with regard to other persons holding official situations in the colony of Ceylon, which rendered it impossible that he could, with regard to the public service, or with satisfaction to himself, continue to administer the affairs of the colony. I felt more strongly that the disclosure and publication of that letter was something I, for one, must deplore. How the gentleman to whom that letter was addressed could have disclosed it—still more how the Committee could not only have allowed, but I may almost say required the publication of that letter—how they could have taken that course, more especially as it is admitted that the letter was totally and entirely irrelevant to the subject of the inquiry of the Committee—how they could have taken that course, I am, for one, utterly at a loss to understand. I can only say that those who did take it entertain totally different notions from those I have been always taught to hold with respect to the sacredness of private confidence, and the manner in which the intercourse of private life between one gentleman and another should be carried on. More than this I will not say.

The Duke of WELLINGTON said, the noble Earl had referred to his conduct in respect to martial law; and on this point he wished to say a few words to their Lordships. In the first place he had to state that he had no comment and no observation to make upon the general question before their Lordships as introduced by the noble Lord (Lord Torrington). The view which he (the Duke of Wellington) had taken was, that it was as yet utterly impossible for their Lordships' House to pronounce any opinion upon the case brought under consideration that evening by the noble Lord. For their Lordships had no single paper before them: they knew nothing about it: that correspondence to which so much reference in detail had been made was quite unknown to them. He certainly had not made himself master of the subject. He had only read that which came regularly before the public. As to the correspondence he declared that he had not a notion of what it referred to. And this being the fact, he thought the noble Lord and the noble Earl might as well have avoided any observations upon that correspondence until it had regularly come into their hands. As to the remark which had been made about him (the Duke of Wellington), he would say a word in explanation. He contended that martial law was neither more nor less than the will of the general who commands the army. In fact, martial law meant no law at all. Therefore the general who declared martial law, and commanded that it should be carried into execution, was bound to lay down distinctly the rules and regulations and limits according to which his will was to be carried out. Now he had, in another country, carried on martial law; that was to say, that he had governed a large proportion of the population of a country by his own will. But then, what did he do? He declared that the country should be governed according to its own national laws, and he carried into execution that will. He governed the country strictly by the laws of the country; and he governed it with such moderation, he must say, that political servants and judges who at first had fled or had been expelled, afterwards consented to act under his direction. The judges sat in the courts of law, conducting their judicial business and administering the law under his direction. He, therefore, had never been in the situation which the noble Earl had spoken of, and he protested most distinctly against being called into comparison, in any way whatever, with the noble Lord (Lord Torrington) opposite.

Earl GREY: I think the noble Duke did not perfectly hear the reference I made to him. What I mean to say is, that in times of war and confusion those who act under the authority of a general or a governor cannot be always prevented from being guilty of abuses. I did not mean to say that the noble Duke so exercised the powers of martial law, but that when the noble Duke was carrying on that memorable and glorious contest by which his name will be ever illustrious, there were cases of soldiers and officers acting under him being guilty of abuses contrary to the noble Duke's wishes, and which the noble Duke found it necessary to punish very severely. So, I said, there might also be abuses in Ceylon of which my noble Friend the Governor of Ceylon knew nothing, and my noble Friend was as ready as any other to punish those abuses when they took place. That is all I said in reference to the noble Duke; and I shall merely add that I was glad to hear what the noble Duke said with reference to what is the true nature of martial law. It is exactly in accordance with what I myself wrote to my noble Friend at the period of those transactions in Ceylon. I am sure that was not wrong in law, for I had the advice of Lord Cottenham and Lord Campbell, and the Attorney General, and I explained to my noble Friend that what is called proclaiming martial law is no law at all, but merely, for the sake of public safety in circumstances of great emergency, setting aside all law, and acting under the military power; a proceeding which requires to be followed by an act of indemnity when the disturbances are at an end. That is all I have to express.

On Question, *agreed to.*

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, April 1, 1851.

Minutes.] Public Bills.—2ª Medical Charities (Ireland); Acts of Parliament Abbreviation Act Repeal.

FOREIGNERS IN LONDON.

Mr. S. WORTLEY rose for the purpose of asking the right hon. Baronet the Secretary of State for the Home Department, "whether his attention has been called to the number, character, and proceedings of certain persons, not being subjects of Her Majesty, but at present resident in this country and claiming its hospitality?" In order to make the question intelligible, it would be necessary that he should state a few facts. A powerful statement had been made last week on the subject elsewhere, the effect of which he would not weaken by repeating. He might, however, state that he had in his possession evidence of the existence of a wide-spread conspiracy in Europe, a branch of which had been established in this country, under the name of the Committee of Central European Democracy—

Mr. M. GIBSON rose to order. It would be very desirable that they should know the position in which the House stood with regard to this question. He had no desire to prevent the right hon. Member (Mr. Wortley) from making any statement which was to make his question intelligible; but he (Mr. Gibson) wished to know whether they were to have a statement of facts on the one side, and no answer or reply on the other?

Mr. SPEAKER said, that any hon. Member might make whatever statement of facts came within his own knowledge, provided he did not trench on the field of argument.

Mr. S. WORTLEY was not aware that he had been offending against the rules of the House. He had been merely stating facts which had come to his own knowledge. There existed at this time a body in this country and in this metropolis who styled themselves the Committee of Central European Democracy, who in their published manifestoes acknowledged their object to be the subversion of the Governments of Central Europe. These parties recommended, as the means of promoting this object, insurrection against and the extermination of the existing sovereigns. It was not his intention to draw the notice of hon. Gentlemen to the matter, as it affected our foreign relations. That would be safe, he thought, if left in the hands of the Government; but with regard to the tranquillity of this country during the ensuing season, he conceived it was a subject requiring consideration. In the year 1848 the Government had asked and easily obtained from the House the power to remove from this country those foreigners who were believed to be of a dangerous character. Since that time other revolutions had taken place, and the number of foreigners in London had greatly increased. God forbid, that in one word he should say he should raise any objection against heartily receiving all those foreigners who sought to make this country a refuge in their misfortune! But the removal of that power for a time was now, even more than in 1848, the only safe and proper course. It had come to his knowledge—and he believed he had the best foundation for what he stated—that there were at that moment going on among foreigners residing in this country, in combination with some of the subjects of Her Majesty—a scheme for making some demonstration which would be very dangerous to the public tranquillity. The subject was a most important one for inquiry. He begged to ask the right Baronet the Secretary of State for the Home Department, whether his attention had been called to the number, character, and proceedings of certain persons, not being subjects of Her Majesty, but at present resident in this country, and claiming its hospitality; and whether Her Majesty's Government were prepared to take any measures for further securing this country from any danger from the disturbance of its peace, or the embarrassment of its relations with friendly foreign Powers, by the abuse of that hospitality? Perhaps the right hon. Gentleman would say, if the Government contemplated any temporary measure to meet the case.

SIR G. GREY: Sir the question which has been put by the right hon. Member (Mr. Wortley) is one of undoubted importance. I shall answer the first part of the question by stating that the subject to which it refers is one to which the attention of the Government has long been directed, and still continues to be directed. The question as it stands on the paper embraces two distinct and important objects—the one the maintenance of the internal peace and tranquillity of this country, in the event, I should hope a very distant one, and a very improbable one, of that tranquillity and peace being menaced by the conduct of foreign refugees resident in this country. The second point to which the question directs itself is the prevention of embarrassment arising in the relations of this country with Foreign States with whom we are on amicable terms in consequence of proceedings of these refugees in England. Having already stated that the event of the peace and tranquillity of this country being disturbed is one which I regard as improbable, I have to state that looking at the number of refugees in this country, looking to the known character of some of them, and looking also to the probable increase which will take place in the number of foreigners of all classes in England, measures have been taken and precautions have been adopted within the existing law which I have not the slightest doubt will prevent or suppress any attempt which may be made to disturb the peace and tranquillity of this country. I believe that any such insane attempt, if it were made, could be immediately and effectually suppressed. With regard to the second point of the question, "Whether Her Majesty's Government are prepared to take any measures for further securing this country from any danger, from the disturbance of its peace, or the embarrassment of its relations with friendly Foreign Powers by the abuse of its hospitality," I will take this opportunity of expressing my opinion, and I cannot do so in terms too strong, that it is a gross abuse of that generous hospitality which has long been the distinction of this country, and which I trust will ever continue to be the pride of this country—to extend to foreign political refugees of every rank and shade of opinion—it would be a gross abuse of that generous hospitality for persons so circumstanced, and enjoying so many privileges when making this country an asylum in their time of need, to form clubs, concoct measures, and enter into conspiracies hostile to the security and subversive of the peace of Foreign States who are on terms of amity with this country. We have, I believe, ample power, irrespective altogether of the Foreign Enlistment Act, to suppress all such attempts as may be made by foreigners to form conspiracies. I shall not be contradicted by any legal authority in this House when I say that conspiracies entered into by foreigners in this country living under the laws of this country and enjoying their security—it will not be denied, I say, that, if foreigners adopt any measures with the view of levying war against any foreign country with which this country is at amity, they are guilty of an offence at common law, and are punishable on conviction by fine and imprisonment. It will not be expected that I should state the precise nature and amount of the information possessed on this subject by Her Majesty's Government. I hope it will be sufficient for me to say that the proceedings of these parties are closely observed, and that the Government are determined at once to interfere and put the laws in force against foreigners, and show them the necessity which there is for strict obedience to the laws under the protection of which they live. We shall not hesitate, legally and constitutionally, to meet any violation of the law. I believe that the powers we possess are amply sufficient to punish by penalties the violation of the law by foreigners after we have been satisfied that these foreigners have really committed themselves in any case in which legal proceedings can be instituted.

Mr. B. COCHRANE begged to ask if the Government had any means of obtaining the names of foreigners in London? Was the Secretary of State aware, for instance, that Signor Mazzini was at present in London?

Sir G. GREY: We have no regular means of obtaining the names of foreigners in London, but we know the names of several of the principal ones.

Subject dropped.

FARM BUILDINGS.

Mr. B. COCHRANE moved for leave to bring in a Bill to extend the provisions of the Private Money Drainage Act of 1849, to the advance of private money for the erection and repair of farm buildings on lands in Great Britain and Ireland. Last year, when a Drainage Bill was before the House, one clause in it, which proposed to extend its provisions to farm buildings, was thrown out; and the Bill he now asked for leave to introduce was framed with the object of enabling the proprietor to obtain money for farm buildings, to a limited extent, the money to be repaid within a period of thirty years—and there was a clause empowering the Commissioners to grant a rent-charge for the money thus obtained. This last proposition would be open to amendment. The House would admit that so many Drainage Acts having been passed, and farms having been thus increased, it was essential that farm buildings should be increased in proportion. In Scotland there was no power of obtaining money by proprietors of entails for such a purpose, except on life insurances. By this measure the heirs of entail would be greatly benefited. For instance, a Bill had been passed some years ago altering the Scotch law of entail, and enabling proprietors to sell land to the extent of one half of the amount of the improvements they made. By the proposed Bill, these parties might have obtained the money at a moderate rate of interest, and instead of one-half of the land being disposed of, there would have been no charge whatever. The Bill would be especially beneficial to persons who wished to obtain money at a late period of life. He would read a few lines of a letter he had received, and which expressed the feelings of Scotland in this proposed extension of the provisions of the Private Money Drainage Act to the erection and repair of farm buildings. [The hon. Member read an extract expressing the opinion that advances for the erection of farm buildings would be a great boon to the landholder, and most beneficial to the heirs of entail.] When this proposal was made last year, the objections urged against it were as follows. The hon. Member for Tavistock (Mr. Trelawny) opposed it, because he said it enacted protection in a different shape; the hon. Member for Preston (Sir G. Strickland) said, that the money was not sufficient; the hon. Member for North Devonshire (Mr. Buck) said, the loan was not sufficient, and it could not replace protection; the hon. Member for Elgin (Mr. Cumming Bruce) said, that great advantage would arise from it to the farms; and the right hon. Gentleman the Chancellor of the Exchequer said, that he had inserted the clause in order to elicit the opinions of Members, but that his own opinion was in favour of expunging it. With regard to contracting loans for the erection of farm buildings in Ireland, the right hon. Gentleman said he was willing to grant it, as there were peculiar circumstances in relation to Ireland which did not exist with regard to England. Such was the opinion of the Chancellor of the Exchequer last year; and he (Mr. B. Cochrane) now told the right hon. Gentleman, that unless some boon was conferred on Scotland in these days of free trade, he did not know how Scotland could meet foreign competition.

Mr. SLANEY said, he was afraid the hon. Member had somewhat prejudiced his case by his allusion to free trade, and by speaking as if the measure related to advances out of a public fund. Now, the object of his hon. Friend's measure was simply to allow private persons to advance their money, and to give them facilities for so doing on landed property, for the improvement of lands, and the erection of farm buildings. He could state most certainly that many persons were desirous of obtaining loans for this purpose, and that many others were ready to make advances on good security. The difficulty which presented itself was the complex state of the law; and the object of his hon. Friend was to overcome that difficulty, and enable persons to advance such loans without the investigation of title and other machinery of a complex nature. Under the present Loan Act the difficulties were so great that the only advancing parties were large companies. He trusted that in Committee a clause would be introduced which would have the effect of removing that difficulty. Now, in what way were the repayments to be made? [Mr. B. Cochrane: Out of the rent-charge.] He supposed, therefore, that the rent-charge would have to be gathered without the advantage of the assistance of a Government officer; because from inquiries made of the Enclosure Commissioners he had ascertained that the lender would not be able to receive it back through the Government officer, but would have to collect it himself. If this difficulty could be removed, very considerable accommodation would be granted to landed gentlemen who required assistance; it would confer a great boon upon them without any expense to the public. If the difficulty to which he had alluded could be removed, many small capitalists would be ready to advance sums of 500*l*. or 1,000*l*., for which they would be able to obtain 7½ per cent for 22 years by way of annuity, or 4 per cent per annum.

Mr. FERGUS trusted the House would pause before entertaining the principle broached by the hon. Gentleman (Mr. Cochrane). The only excuse for lending money for the drainage of land was, that the whole community had an interest in the productiveness of the soil. He believed that any interference on the part of the Government to lend money would be exceedingly dangerous and liable to abuse. [Mr. Slaney: It is not public money.] He knew that it was intended to allow only private individuals to lend, but such a measure would give them a lien over the lands, overriding all mortgages. If the object of the hon. Member was merely to simplify the law, and enable landed proprietors to borrow money on land, he should cordially approve of it. But if they departed from the principle of drainage and making the soil productive, they would open the door to great abuses, for money might be advanced for the purpose of building houses or ornamenting grounds. He trusted that the House would not extend the principle already laid down.

Sir B. HALL said, he understood the hon. Gentleman that it was public money that was to be granted, and if it had been, he should have opposed the introduction of the Bill; but after the statement of the hon. Gentleman the Member for Shrewsbury, he thought it extremely desirable that such a Bill should be introduced. He was surprised at the observations of the hon. Gentleman who had just sat down, seeing the amount that Scotch gentlemen had got of the public money. There was one objection of the hon. Gentleman's which he thought scarcely tenable, which was, that the security for the money to be advanced was to take priority of all mortgages. Supposing it did, the advancing of this money had enhanced the value of all the property, and he thought it was but fair that it should take the priority. He hoped the Bill would be so framed that it would be productive of beneficial effects.

Colonel DUNNE said, it would be unnecessary to see that the money was applied to the purpose for which it was borrowed. The hon. Gentleman (Mr. Slaney) spoke of the Enclosure Commissioners as the tribunal in England; but he (Colonel Dunne) knew no tribunal by which it could be applied in Ireland. It was quite clear that free trade had altered the system of cultivation in Ireland. Wheat had ceased in a great measure to be cultivated, and flax was cultivated instead. He had received a letter that morning from the chairman of a poor-law union, in which it was stated that in that district the cultivation of wheat had entirely fallen off, and flax was cultivated. The cultivation of flax required mills, and he stated this to show that some assistance of this kind was required.

Mr. ELLICE said, if landowners chose to tie up landed property by all kinds of restrictions, they ought to see, at all events, that, as far as legislation could effect it, means should be taken to prevent the country from getting into a state of dilapidation, and prevent large districts from being absolutely without the means of improvement. He was consulted some time about an estate strictly entailed, and to which a gentleman succeeded at a certain time of life. The estate was out of order, the buildings generally dilapidated; and the question arose how could this gentleman, with so short a tenure, find the means of putting it in order? He remembered particularly one proposal made was to lay out a sum of 3,000*l.* or 4,000*l.* on a farm of 400 or 500 acres, and it was absolutely essential that that sum should be laid out, in order to procure a good tenant; so that here was this gentleman, with a tenure of probably only a few years' duration, called upon to lay out four or five years' value upon one farm, and if he did not do that, then the land could not be improved. Though he believed it to be difficult to secure the application of the money in all respects in the most expedient manner and for the purposes for which it was wanted, still he thought the attempt worth making, and he cordially gave his support to the hon. Gentleman's measure, leaving it to those who were more acquainted with rural affairs than he was to see that adequate precautions were taken when the Bill was in Committee.

The CHANCELLOR of the EXCHEQUER said, that he should not have said a single word if the hon. Gentleman had not talked at him, and he should not have opposed the Bill though he thought it impracticable. The hon. Gentleman would remember that when this Bill was discussed last year, it was rejected by a majority of two to one, and he found that it was rejected by three to one of the English county Members who voted. He should leave it in their hands. He should not oppose the introduction of the Bill, but he thought it right to give his opinion on it.

Mr. DEEDES said, he was one of the majority last year who voted against the Bill for what he considered good and sufficient reasons; but he was much surprised afterwards at the conduct of the right hon. Gentleman the Chancellor of the Exchequer, who supported a Bill giving to Ireland the privilege which he denied to England. If proper precautions were adopted, he thought in many cases advances might be most beneficially made.

The CHANCELLOR of the EXCHEQUER said, what he stated last year was, that so far as the Exchequer was concerned he was perfectly indifferent. He left it to the English Members to decide for England, and to Irish Members to decide for Ireland. The English county Members, by three to one, rejected it, and he put no obstacle in the way on behalf of the Exchequer; and therefore the hon. Gentleman had not rightly stated it.

Mr. DEEDES: What the right hon. Gentleman said was that he saw very great difficulty in preventing fraud in certain instances, and afterwards he allowed a similar Bill for Ireland.

Mr. OSWALD said, he had had communications from Scotland that a Bill of this kind was much wanted. The money advanced for drainage would be useless unless they could erect farm buildings.

Mr. B. COCHRANE said, he would read to the House what the right hon. Gentleman the Chancellor of the Exchequer did say last year. He would do so, because it was an important argument in the case. The right hon. Gentleman said—

> "With regard to contracting loans for the construction of farm buildings in Ireland, he was willing, as it appeared to be the general wish of Gentlemen connected with that country, and as there were possibly circumstances in relation to Ireland, which did not exist with respect to England, to assent to that proposition."

He had endeavoured as briefly as possible to explain the object of the Bill; and the notice on the paper clearly showed that his intention was "extend the provisions of the Private Money Drainage Act, of 1849." The right hon. Gentleman the Chancellor of the Exchequer, in introducing his Budget, had alluded to the necessity of giving assistance to the landed interest in certain cases, and he thought great facilities might be given with respect to the erection of farm buildings.

Leave given.

Bill ordered to be brought in by Mr. Cochrane and Mr. Forbes.

PATENTS.

Colonel SIBTHORP moved for a return of the expenses incurred in taking out patents in England, Ireland, and Scotland respectively. He said, as Her Majesty's Government seemed determined to oppose these Returns, he had no hesitation in saying, that he looked with suspicion on their motives. In the year 1829, a Committee was appointed to consider the law of patents; and, after taking a great deal of evidence, they came to this important conclusion:—

> "At the present late period of the Session, they are only prepared to report the Minutes of Evidence taken before them, with the several documents; and they earnestly request the House that the inquiry may be resumed early in the next Session."

No further step had, however, been taken in the matter; and he believed nothing would have been done but for the Exhibition of the Industry of all Nations; in the getting up of which, the interests of foreigners had been consulted, and not the interests of this country. Since 1829, they had all been asleep respecting the good of the country, and the freedom of the country. A patent went through a great many offices, and there were a great many fees. It went through the hands of the Secretary for the Home Department with fees, and the Attorney General with fees. It went to the Signet Office for fees; to the Privy Seal for fees; and to the Lord Chancellor for fees, and he firmly believed for nothing else. He would tell them what some of those charges were. He would begin with England. The Attorney General charged for his Report three guineas; clerk, one guinea; if a *caveat* were entered, 5*s.*; to the clerk of the Attorney General for approving, and signing, and settling the bill, 5*l.* If the patent were approved of, there was another charge for the clerk, 5*s.*; hearing before the Attorney General, 2*l.* 12*s.* 6*d.*; clerk ditto, 10*s.* 6*d.* Then there was the reference to the Attorney General, 2*l.* 2*s.* 6*d.*, Royal warrant, 7*l.* 13*s.* 6*d.*, and if the patent extended to the colonies and plantations abroad, 1*l.* 7*s.* 6*d.* Then if they went to Scotland, there was the reference to the Lord Advocate, 2*l.* 2*s.* 6*d.*, Royal warrant, 16*l.* 17*s.* 6*d.*: if granted to more than one person, 2*l.* 15*s.* for each person. Then came Ireland, reference to the Attorney General, 2*l.* 2*s.* 6*d.*, warrant and stamp, 9*l.* 9*s.* 6*d.* These were some of the expenses which the unfortunate inventor was called upon to pay. But this was not all; he was to be subject to all kinds of foreign competition. They were to have an Exhibition, and all kinds of foreigners were to come here, talking all kinds of gibberish. Of course, the English people would not understand them, and they would get into all kinds of disturbances. Suppose a case: A foreigner called a cabman, and told him to drive him to a certain place; the cabman could not understand him, and before he knew what he was about he would have something like a stiletto in him. And for what? For the Industry, forsooth, of all Nations. He believed that people were growing more and more averse to the whole affair. It was only that very day that he had heard some very respectable persons express their regret at the opening of any such Exhibition; and, for his own part, he heartily prayed, would to God that it might be washed down by the rains of April. The Government had introduced a Bill for the special protection of foreigners; but they had not thought of protecting the ingenuity of Englishmen. Foreigners would come and pirate the inventions of our countrymen, and he did not blame them for it; they would take them home, make up the same manufactures at a cheaper rate, and then send them here and undersell the ingenious and laborious mechanics of our own land. He did, therefore, call upon the House to prevent these gross attacks upon the privileges of Englishmen. It was the duty of Her Majesty's Government to stand up for the rights and liberties of the country; and he, for one, should ever protest against the Government Bill. He denied that there could be any valid objection to the granting of the Returns for which he had moved. The public had a right to be informed whether any reduction had been made since 1829, when the Committee to which he had alluded, sat. He repeated, that there could be no objection. Surely there was nothing mysterious about the matter. To be sure, it might not be pleasant to persons of higher station to have the thing exposed; and perhaps his observations might be equally unwelcome to them. But then he was not a spaniel, to wag his tail at the bidding of the persons in a high position. He moved for these returns solely for the benefit of persons in a humble sphere. He could assure the House that he had not the slightest personal feeling in the matter. He had never invented anything, and he thought it was not likely that he ever would; for he had not the inventive faculty. His motive in asking for these returns was, that he might bring forward a Motion to diminish the expense of obtaining patents, and to remove the serious obstacles which lay in the way of the poor man in availing himself of his own ingenuity.

Motion made, and Question put—

> "That an humble Address be presented to Her Majesty, That She will be graciously pleased to give directions, that there be laid before this House, Return of the Expenses incurred in taking out a Patent in England, Ireland, and Scotland respectively, independent of the specification, distinguishing the items or heads of that Expense; and specifying the several offices in which fees are demanded and made payable, and manner in which the fees are appropriated; also the highest and lowest expense of specification:
>
> "Also Return of the Expenses incurred at the Attorney or Solicitor General's Offices for taking out a Patent in England, distinguishing the items or heads of those Expenses:
>
> "Similar Return for Scotland:
>
> "And, Similar Return for Ireland."

MR. CORNEWALL LEWIS assured the hon. and gallant Gentleman that there was not the smallest objection to affording the information for which he asked. The fact was, however, that the whole of it was already on the table of the House in a perfectly accessible form. The hon. and gallant Member would find it in the appendix of the Report of the Committee upon the Privy Seal and Signet Offices, which was presented last Session; but if the hon. and gallant Colonel should discover that it was at all deficient on any point, the additional information should be furnished on a future day. He, therefore, hoped the House would not consent to a Motion which would entail needless expense.

MR. LENNARD said, that he should support the Motion of the hon. and gallant Officer; at the same time he regretted that much extraneous matter had been introduced by him. The evils of the patent laws had been pointed out in the evidence of a Committee of which he was Chairman many years ago. Some of those evils had been removed by Lord Brougham, but many still remained; of those the chief was the want of a tribunal competent to decide on the merits of inventions, and of the claims of applicants. Such a tribunal should be composed of a mixture of scientific men and lawyers. But the want of arrangement in the present patent offices was so bad that it was often impossible, for want of good indices, to ascertain whether the invention had been patented or not already. But the great evil was the expense—amounting to above 350*l.* for England, Ireland, and Scotland, to say nothing of the colonies. This heavy expense was occasioned by the numerous offices through which the applicant for a patent had to go, and which were useful formerly as a protection to the Crown from being imposed on, but which were merely useless in these days. The heavy expense of obtaining a patent was manifestly contrary to good policy; we ought to encourage improvements by giving inventors the exclusive use of their discoveries for a limited period, after which the public should have the benefit of it. It was well known that poor workmen were the chief inventors; but the heavy expense of a patent made it impossible for them to apply for one, so that either the idea was never worked out, or was sold to some capitalist, who gave to the inventor a small part of that which ought to be wholly his. He had long felt the evils of this system, and had thought of bringing in a Bill on the subject himself; but where there were so many vested interests to be dealt with, he felt that it was too great a task for a private Member, and could only be satisfactorily dealt with by the Government, and he hoped the Government would undertake it.

MR. LABOUCHERE trusted that the House would not be induced to enter at present upon a very important and one of the most difficult subjects that could engage their attention, namely, what would be a proper law for patents in this country, especially as, before a few days would elapse, his noble Friend Earl Granville would introduce into the other House a Bill, embodying the views of Her Majesty's Government upon that subject. He would assure the hon. and gallant Member for Lincoln that if there was any matter on which he wished for information that he could not find in the appendix to the report of the Committee on the Privy Seal and Signet Offices, the Government would feel very happy in affording it.

MR. AGLIONBY thanked the right hon. Gentleman (Mr. Labouchere) for his statement; and he hoped that, as the hon. and gallant Colonel had often objected to the expense of unnecessary returns, he would not press his Motion.

MR. ALDERMAN SIDNEY regretted that the Government had objected to the returns, for he thought the fact, that the House would soon be called upon to consider a measure on the subject, was a reason why it was advisable to reprint the information in a separate form. He considered that the present law was a disgrace to the country.

MR. S. CRAWFORD thought the returns should be granted, for the information was not intended for Members only who had access to the reports of Committees, but also for the use of the public.

Mr. CAREW said, that papers had been laid on the table within the last ten days, containing every item of the information for which the hon. and gallant Member now asked. He alluded particularly to the evidence of Mr. Capelain, the patent agent, before the Committee of the House of Lords, a copy of whose proceedings had been communicated to that House.

Sir G. GREY said, his right hon. Friend the President of the Board of Trade had stated that if the hon. and gallant Member could point out any information which Members were not already in possession of, he was perfectly ready to supply that information; but there was clearly no use in calling for trade returns setting forth that which was already well known to the House.

Mr. DISRAELI hoped that his hon. and gallant Friend, having attained his object, for he understood that the Government virtually conceded all that his hon. and gallant Friend required, would not now press his Motion. The object was one of importance; and as the Government had promised to complete all information concerning it, he took for granted that his hon. and gallant Friend would not think it necessary to divide.

Colonel SIBTHORP was resolved to take the sense of the House, if it were only for the purpose of stimulating the Government, and enforcing their attention to this important subject.

The House divided:—Ayes 39; Noes 70: Majority 31.

MEDICAL CHARITIES (IRELAND) BILL.

Order for Second Reading read.

Sir W. SOMERVILLE moved the Second Reading of the Bill.

Mr. SCULLY said, the present mode administering relief under the medical charities in Ireland was very partial, bad, and inoperative, and he believed that the principle of this Bill was an excellent one. But he thought there were certain alterations that ought to be made in the details of the measure, such as in the mode of paying the medical officers of the different districts, their residence, and the appointment of the governors; but these were matters, perhaps, which it would be better to consider when the Bill was in Committee. He would, therefore, ask the right hon. Gentleman the Secretary for Ireland to give the Irish Members another early opportunity of discussing the Bill in Committee. If the right hon. Gentleman would consent to fix the Committee for an early day after Easter, he (Mr. Scully) and the other hon. Members with whom he had conversed on the subject, would not object to the present stage of the measure.

Lord NAAS would not oppose the second reading of the Bill, for he considered it a measure somewhat necessary in all parts of Ireland. The measure was certainly an improvement upon the Bill of last year, and he was glad to see the Medical Board united with the Poor Law Board. By the Bill, as he understood it, all the infirmaries would be done away with, and all the bequests, grants, subscriptions, donations, and other property now belonging to those infirmaries would be handed over to the management of other bodies. This, he thought, was an important alteration, and that the Government was bound to make out a strong case in its favour; he thought, also, that full time ought to be allowed for a careful consideration of the best mode of administering those charities; and he could not help suggesting that it might be doubted whether the same sort of relief would be given in the new hospitals as had heretofore been afforded in the infirmaries. According to his understanding of the matter, the district hospitals might not be, like the infirmaries, open to any poor person, but rather be limited to cases of destitution, and confined solely to paupers—in a word, the labouring classes might not be benefited to the same amount by the new institutions as they were by the old. The words of the Bill were vague, and might be differently interpreted in different places. The Government were bound to show why they had taken those funds out of the hands of the persons who had hitherto administered them; and if a strong case of mismanagement were not made out against them, he would be inclined in Committee to propose the Amendment he had submitted to the House last year, namely, to exclude county infirmaries altogether from the operation of the Bill.

Colonel DUNNE would follow the example of the other Irish Members who had spoken, and not offer any opposition to the second reading of this Bill. He believed, with them, that legislation was highly necessary; but there were parts in the Bill, very nearly affecting its principle, which ought to be discussed in Committee, and which they ought to have ample time to consider. He therefore trusted that the Bill would not go into Committee before Easter.

Sir P. NUGENT concurred with hon. Members in approving generally of the principle of the Bill; but as regarded the existing infirmaries, he thought great care ought to be taken in dealing with vested interests.

Mr. MONSELL said, that in many districts the poor possessed no means of medical relief, and, unfortunately, it was but too true that at present dispensaries, owing to the impoverished state of the country, were not kept up as in times past. There were two points in the Bill to which he wished to direct attention. One of these related to the management by the board of guardians. Now, he knew no reason why they should have anything to do with the management. Why should they have anything to do with the districts within which medical relief was to be administered? In his opinion, that ought to be left to the central authority. The second point which he wished to notice was the appointment of medical officers. Why, he would ask, should that appointment rest with the board of guardians? On the contrary, it was his opinion that the district committee ought to appoint the medical officers, for they were the persons most interested in the proper discharge of the duties to be performed by those officers.

Mr. F. FRENCH thought that his right hon. Friend the Secretary for Ireland had some reason to complain of the attacks made on him on account of the changes which he had introduced into the Bill. They all agreed in the principle of the measure, and they seemed to wish it pressed on as speedily as possible. In this he concurred for several reasons, and for this among others, that those portions of the country which stood most in need of medical relief were the portions most neglected. He thought it important, if possible, to get through the Bill before Easter.

Mr. VESEY, although he had many objections to the details of the Bill, would not offer any opposition to it at its present stage, or at least to that portion of it relating to dispensaries. But he could not understand why the infirmaries were to be included in this Bill. The infirmaries were not in the same degree dependent on voluntary subscriptions as the dispensaries; and he was afraid that if the hospitals were placed under the boards of guardians, the effect of the Bill would be to shut out a large class who at present received relief from the infirmaries.

Viscount BERNARD wished very much that due time should be given to Members of that House connected with Ireland to give the provisions of the Bill their careful consideration, so as to possess a fair opportunity of stating their opinions, and he pressed this the more because the law respecting fever hospitals was in a very unsatisfactory state; and he hoped, therefore, that the Session would not be allowed to pass away without those hospitals being properly provided for.

Sir W. SOMERVILLE said, he agreed with those hon. Members who regarded this as one of the most important Bills that could be proposed for the benefit of Ireland, and he had endeavoured, in conducting it through the House, to conciliate the feelings of the Irish Members as far as possible in framing its provisions. The House was aware that several Committees of both Houses of Parliament had at different times sat to investigate this subject; and the general recommendation of those Committees had been that a separate medical board should be constituted to superintend these establishments. In bringing in his Bill of last Session he had introduced a provision in conformity with that recommendation; but as the Bill was passing through the House, he collected the feeling of the majority of the Irish Members to be that a single board should be entrusted with the management of these medical charities. Therefore, whatever his own opinion might have been, he bowed to the judgment of the House, and he had endeavoured in framing this Bill to comply with what he had believed to be the opinion of the Irish Members. He was glad to find the principle of the Bill in its altered state generally assented to; for the present state of the law was utterly inefficient, and it was unjust to the ratepayers, pressin heavily on the charitable and humane, an enabling those who were contented to neglect their duty to escape without paying any tax whatever. It was unjust also to the medical profession—a highly-educated body in Ireland, who were heavily worked and badly paid. He had introduced the infirmaries into the Bill because he thought the two systems of medical charity ought not to go on separately; and great as were the abuses of the dispensaries in Ireland, the abuses of the infirmaries were not much less. He did not speak of the way in which the infirmaries were managed —that, he thought, was highly creditable; but he thought the infirmary system eminently unjust to the ratepayers, and very inadequate to the wants of the poor. Any one looking at the map of Ireland would see that some of the infirmaries were placed at the end of one county, and close to the borders of another, and yet perhaps a person living just at the other side of the boundary line, and close by the infirmary in the adjoining county, had to be carried a distance of forty or fifty miles, because he could only be received in the infirmary of his own county. In fact, the Poor Law Commissioners' report on the subject declared that, except within a radius of eight miles from the infirmary, the rest of the county was practically deprived of its fair proportion of the relief, although it was taxed as highly as the places in the immediate vicinity of the institution, and daily receiving its full benefits. It was therefore absolutely necessary that all who were taxed to support the infirmaries in Ireland should be brought within reach of their relief, and that, consequently, a new local distribution of these institutions should take place. No doubt, when they came to consider the Bill in Committee, they might or might not omit the word "infirmary" or the word "dispensary;" and when the proper time came, which he conceived would be in Committee, he should submit his reasons to the House for passing the Bill in its present form. The hon. Member for the county of Limerick seemed to object to some portions of the Bill; but it was to be hoped the House would recollect that the measure had been prepared in obedience to the wishes of hon. Members themselves on both sides of the Hoose. With regard to the mode of forming the districts, last year he had proposed that they should be settled by the central authority; but on this point again, in deference to what he understood to be the feeling of his hon. Friends on both sides, he had consented to modify the present measure so as to meet their views. The appointment of the medical officers for the district hospitals should certainly be vested in the District Committees; but he considered that, as the medical officers for the dispensaries were to be paid from the poor-rates, their appointment should rest with the boards of guardians. It was important that the Bill should be passed as soon as possible, and it was very desirable that before the next assizes, the different grand juries in Ireland should know what they had to rely upon, and what they had to do in order to provide for the poor who were suffering from the want of relief. He would, therefore, fix the Committee on the Bill at present for a day before Easter; and then, if it should be required for the convenience of the Irish Members, it might be postponed till an early day after the recess.

Sir J. YOUNG wished to know what classes would be entitled to relief under the Bill?

Sir W. SOMERVILLE said, he apprehended the Bill was not at all intended for the pauper classes; but the same classes who, under the present system, received relief, would still be entitled to receive it. Under the poor-law medical relief could be administered to persons in the character of paupers; and an attempt had been made to stretch that provision, so as to include those who were not strictly paupers. That attempt, however, had failed, and hence arose the very necessity for this Bill.

Bill read 2°, and committed for Wednesday, 9th April.

The House adjourned at a quarter after Seven o'clock.

HOUSE OF COMMONS,

Wednesday, April 2, 1851.

Minutes.] New Writ.—For Coventry, *v.* George James Turner, Esq., Vice-Chancellor.

Public Bill.—2ª Audit of Railway Accounts.

COMPOUND HOUSEHOLDERS BILL.

Order for Committee read.

Mr. HENLEY said, he thought the House had decided that it was favourable to the principle of the measure, although there was considerable difference of opinion as to the mode of working it out. He objected to the mode proposed by the hon. Member for the Tower Hamlets (Sir W. Clay) in the Bill now before them. The proper mode for a person in the situation of a compound householder to adopt would be to make his claim in the time prescribed by the Reform Act. The householder's claim should be made to the overseer before the 25th of August in each year. This would be a much simpler process than that proposed, for if the claim were a fair one, the party could find no trouble in being put on the Register. There were in many parishes about four or five rates made in each year, and to be compelled to claim at the making of each rate was a very troublesome matter.

Sir W. CLAY did not admit the validity of the objections made by the hon. Member (Mr. Henley), but he would not be at all averse to availing himself of any proper suggestions. He was not insensible to the difficulty there existed in legislating on some of the points which the Bill embraced. He thought they should at once go into Committee on the measure, and they would have an opportunity of considering the nature of the Amendments proposed.

House in Committee; Mr. Bernal in the Chair.

Clause 1.

The CHAIRMAN said, that in clause one, it was proposed to insert after the words "full amount," the words "on account of any rates in respect of such premises."

Mr. HENLEY objected to the Amendment on the ground that compound householders did not pay the full rate. A compound householder of 10*l.* paid less rate than a householder who was not a compound one, and the parties were not on the same footing, He would have no objection to do away with whatever technical difficulties prevented compound householders from being placed on the Register; but the Amendment proposed would, he thought, affect the principle of the Reform Bill, by lowering the standard of qualification. The question as to whether the franchise ought or ought not to be extended, was a large one, and it was not proper to nibble at it in this way.

Sir De LACY EVANS said, the objection of the hon. Member (Mr. Henley) was based on the assumption that compound householders paid less rates than others. This, however, was not a valid objection, for the principle of the Reform Bill was this, that every occupier of a house of the yearly value of 10*l.* was entitled to the franchise, no matter how that person might be rated.

Mr. SPOONER maintained that the hon. and gallant Member for Westminster had not fairly stated the principle of the Reform Bill, for the principle of the Reform Bill was to connect the value with the rate paid. Compound householders to be entitled to the franchise ought to pay rates in the value of 10*l.* per annum.

Sir W. CLAY did not think that the question as to the amount of rate paid was one which would be likely to arise, for most compound householders were parties who paid from 15*l* to 20*l.* of annual rent. The alteration proposed was grounded on the provisions of an Act passed during last Session of Parliament for the rating of small tenements. By the seventh section of that Act, it was provided that the occupier of a tenement should be entitled to the franchise, notwithstanding any arrangement which might be made by the landlord regarding the rates. This Act perfectly recognised the principle of the Bill he now proposed. The qualification of the voter was the occupancy of a house of the yearly value of 10*l.*; and any arrangement whereby overseers might for their own convenience consent to take a less amount of rate, was not held to prejudice the claim of the occupier.

Mr. MULLINGS wished for some test of the value of tenements, and that was found in the amount of rate paid.

Mr. W. WILLIAMS said, the provision of the Reform Act was, that every person who occupied a house of the clear value of 10*l.* per annum was entitled to the franchise. Now, in many parishes it so happened that a vast number of persons occuying houses of more than the value of 10*l.* did not possess the franchise. In Lambeth there were 39,500 persons rated for the poor, and there were scarcely any of them who were not rated at more than 10*l.* of annual rent, and yet in the parish there were only 13,000 voters. In the parish of Finsbury there were 15,800 voters, and upwards of 37,000 persons rated, and of these 37,000, almost every one paid more than 10*l.* year. In Marylebone there were 16,800 electors, and 39,000 persons rated to the poor. He might with safety say that all of these 39,000 were rated at more than 10*l.* per annum. In the Tower Hamlets the difference was still greater, although there might be fewer rated above 10*l.* in proportion than in the other parishes. The number of voters in the Tower Hamlets was 19,000, and the ratepayers 73,000. He submitted that if they carried out the principle of the Reform Act, they must enfranchise that large body of ratepayers who were assessed at and above 10*l.*, but who were at present deprived of the suffrage.

Mr. NEWDEGATE said, the question before the Committee was not whether compound householders should have the benefit of the Reform Act, but whether they should have the benefit of the composition of rates. What was that benefit but a reduction of the amount paid? And if so, it was perfectly clear that if they gave parties the benefit of that composition, they would reduce the qualification. He also objected to the use made of the word "tendering," for a door would be opened to an enormous amount of fraud. A person without the slightest amount of proof that he occupied premises might tender the rate, and if he had proof of such tender, he would be entitled to be placed on the Register. Thus a person might tender the rate for his ten compound householders, who would be placed on the Register in virtue of the tender, without there being sufficient security that these parties had a *boná fide* residence and qualification. Unless some other provision were made than what was afforded by the Bill, they would have parties coming out once a year, tendering portions of the rates, in order to qualify themselves, and those parties too, who had no connexion with the property. Then, again, who was the officer to whom the tender was to be made? Every overseer and every churchwarden was qualified to receive the rates, although there was only one who could be qualified to say whether a party were a ratepayer in the proper sense. But the proof that a party had really made a tender to one or other of these various officers, would be sufficient to qualify him. When he thus saw a manifest intention to lower the franchise to those parties by giving them the benefit of the composition for rates under the Small Tenements Rating Act, he could not conceive but that this was an attempt, under cover of this Bill, to lower the franchise, and expose the constituent cies, especially in large towns, to a perfect influx of fictitious voters, who would not be tenants but nominal tenants.

Lord JOHN RUSSELL: I regret that the hon. Member for the Tower Hamlets (Sir W. Clay) has found it necessary to introduce these words. I understand that the proposition is to obviate the inconvenience occasioned to voters, and which actually does deprive them of the right of voting by reason that they are called on at every fresh rate either to tender again or pay the rate. I understand that to be the evil which the Bill is intended to remedy. On the second reading of the Bill, the hon. Member for Oxfordshire (Mr. Henley) said he was willing to remedy that inconvenience; he only wished that these compound householders should not be in a better position than persons who were rated to the full rate. I find that the words of the Reform Act are these:—

> "It shall be competent for the person rated to he relief of the poor in respect of such premises to claim to be on the registry, and upon such occupier so claiming, tendering the full amount of the rates then due, the overseers of the parish are hereby required to put the name of such occupier upon the register for the time being."

But what my hon. Friend now proposes is, to change the words of the Reform Act —to leave out the words, "the *full* amount of the rates due in respect of such premises," and put other words in the place of them, which would have the effect of enabling a person to acquire the franchise, by tendering the amount which would be paid by the landlord, although much less than ought to have been paid by the occupier himself. Would that be sufficient to show that the occupier was sufficiently solvent to be placed on the rate book? I do not deny that there is great force in the argument of my hon. Friend, and that a person claiming to vote under such circumstances might be sufficiently solvent; but I think this is a proposition which goes entirely beyond the Reform Act, and one which would give to the person claiming to vote, an advantage greater than that possessed by the person who paid the full amount of the rates. The proposition before the Committee was designed to put the compound householder in as good a situation, but not in a better situation, than the person who paid the full amount of rates. I do not think that the Committee ought now to introduce into the Bill a new principle not contemplated when the measure was introduced; and I hope the hon. Gentleman the Member for the Tower Hamlets will not persevere with his Amendment.

Mr. BRIGHT said, he was afraid the observation of the noble Lord at the head of the Government would not lead the Committee to suppose that his proposition for reform would be one which would satisfy the country. He (Mr. Bright) understood it was a common thing in Committee to introduce a clause to remedy some other matter than that which was strictly considered the question, and it was for the Committee to consider whether the proposition introduced by the hon. Member for the Tower Hamlets was worthy of adoption. He understood that the measure was rather to declare the law than to enact the law, because he understood from his hon. Friend that with regard to the metropolitan constituencies, it was not customary to construe the existing law so as to shut out the compounders; but in other places it was customary to shut them out, and he could point to a borough in the north of England where, within fifteen years, there had been an increase of 10,000 houses, but in consequence of this law there had been no increase of the voters. It must be admitted on all hands that the system of compounding was a very beneficial one for the parochial authorities, because they found it prevailed almost everywhere, and the tendency of the authorities was to increase it. When the hon. Member for North Warwickshire (Mr. Newdegate) said this was a measure to increase the franchise, his argument could only apply to those whose rentals amounted to just the 10*l.*; but he knew that in the borough he had referred to, the system of compounding was applied to houses of the value of 18*l.* a year. The hon. Member for Oxfordshire (Mr. Henley) who, he believed, had no unfriendly feeling towards the Bill, said the words proposed would establish a principle very different from that which the Bill originally intended; but he would ask him if this system of compounding continued to spread over the country, if he was willing to allow that system to disfranchise those on whom the Reform Bill intended to confer the franchise? The noble Lord at the head of the Government interpreted the Bill as was wished by hon. Members on the other side of the House, that the person should be on the Register when the full rate was paid which was written opposite the particular house. Now, there had been contrary decisions on that question. He considered that in all matters in which the franchise was concerned, the interpretation of the law should be liberal; and when the case of the forty-shilling freeholders came before Chief Justice Tindal, he stated that it was the intention of the law, and it was the spirit of the constitution of the country, that all the laws which affected the franchise, and particularly in reference to the Reform Bill, should be construed liberally, and with a view rather to extend than to limit the franchise. Now here was a case in point. He said that the payment of the amount which the parochial authorities had arranged with the landlord should be received in discharge of the rates for certain premises, should be held to be a discharge of the whole rate. Not to give the franchise under these circumstances would be to act in contravention of the Small Tenements Act, which passed last Session, and which preserved the franchise of all persons rated at above 6*l.* He thought they ought now to settle the law, which was to some extent uncertain, and thereby give the franchise to some thousands of persons well qualified to vote, and to deny whose right, he was sure, was not consistent with the safety of the institutions of the country.

Lord JOHN RUSSELL had not expressed any opinion as to whether it might not be desirable to make the alteration suggested, and thus give the franchise to the numerous class of persons to whom reference had been made. What he said was, that it was understood, on the second reading of the Bill, that the words of the Reform Act were to be adhered to. The hon. Member for Oxfordshire concurred in that view; and many hon. Members who came down to oppose the second reading, assented to it on that condition. No notice was given that any alteration of this kind would be proposed. He certainly had received no notice. But the hon. Member for Manchester seemed to have had some intimation on the subject. What he (Lord John Russell) now said was, not that this alteration was a wrong one, or unfounded in principle, or not likely to be beneficial in its operation, but that in point of fairness it ought not to have been introduced without notice.

Mr. Alderman SIDNEY, whilst anxious to extend the principles of the Reform Act, wished the Committee to consider whether the proposition now before them would not create great injustice in the parochial burdens throughout the country. The present measure, if passed, would have a material effect in placing persons on the burgess roll in municipal towns. He had not the slightest objection to any measure that would practically increase the franchise of the country—he believed such a measure would be wholesome and good; but he objected in the strongest manner against any attempt by a side wind to place persons on the Register who did not conform to the provisions of the Reform Act. He trusted the hon. Member would withdraw the Amendment, and thus relieve him from the painful necessity of opposing it.

Sir G. PECHELL thought this Bill showed the necessity of the noble Lord coming forward with a measure which would do away with the necessity of paying the rates and taxes for the purposes of the franchise. The younger Member for North Warwickshire had stated that the measure would open a wide door to abuse; but the hon. Gentleman did not consider that by the present state of the law hundreds of thousands of persons were shut out from the franchise. At the present moment, the compounders might be put on the existing rate; but the complaint was that they were obliged to claim for every rate, and, as there might be four or five rates in a year, it was impossible for them to keep pace with the requirements of the law.

Mr. AGLIONBY contended that the Committee was not bound by any understanding which might have been come to between two hon. Members, but that each hon. Member was perfectly at liberty to propose such amendment as he might think desirable. He approved of the alteration suggested by the hon. Member for the Tower Hamlets, and should give it his support; but thought the better course would be for the hon. Member to withdraw it for the present, and give notice of his intention to propose a clause on bringing up the report.

Mr. HENLEY said, there had been no understanding upon the subject but what the Committee was fully in possession of. He had distinctly stated on the second reading that he had no objection to the principle of the Bill, so far as it related to the removal of technicalities standing in the way of the due and proper exercise of the franchise. This proposed Amendment, however, went further than that; it extended the franchise to parties who at present had no right to it, and as that was not within the scope of the Bill, as it was originally understood, he should oppose it; but he hoped that course would be obviated by the hon. Member for the Tower Hamlets withdrawing the Amendment.

Sir W. CLAY said, the hon. Gentleman had correctly stated the object of the Bill, and all that the proposed Amendment would do was to declare what was the meaning of particular words in the Reform Act. With the distinct understanding, however, that hereafter there would be no objection to the introduction of a Bill to accomplish the object which the Amendment had in view, he would readily withdraw it.

Amendment withdrawn.

Lord R. GROSVENOR said, the tendencies of three parties out of four in that House were to extend the franchise; and as the noble Lord at the head of the Government had stated that he would bring the subject forward next Session, he (Lord R. Grosvenor) thought it would tend to economise the time of the House if this Bill, and also the measure proposed by the hon. Member for East Surrey (Mr. Locke King), were withdrawn altogether, and that they should postpone these questions altogether until next year, when a measure would be brought forward on the responsibility of the Government.

Mr. W. WILLIAMS said, the proposition of the noble Lord was, that the House was to do nothing, and that they were to wait for the Government doing something. Now, they had no security that the noble Lord at the head of the Government would bring forward any measure next year; and he hoped that the House would not accede to the proposition of the noble Lord (Lord R. Grosvenor) to drop this measure.

Mr. NEWDEGATE hoped that the accusation which had been brought against him, of being opposed to the extension of the suffrage, would be considered as neutralised by the support which he was about to give to the Bill. At the same time, he thought that the effect of the measure would be greatly to facilitate the manufacture of fictitious voters who had no regular connexion with the constituencies at all. It had indeed been shown that this took place to a considerable extent under the present system; and he thought they ought not to encourage the intrusion of such foreign influence. The people of Birmingham would not like a wholesale importation of Manchester men; but the effect of this Bill would be to bring into Southwark or Lambeth a number of persons who did not belong to it, but who only took lodgings of a sufficient amount to satisfy the requirements of the law. He did not think that sufficient precautions were taken to ascertain whether the claimants actually resided in the borough in which they claimed to vote; and he did not think that would be sufficiently provided for by leaving it to the revising barrister's court. If the scheme of the hon. Baronet were adopted, the franchise might be obtained by lodgings in a borough on a particular day. He proposed to insert these words in the clause, "In case the claimant himself should pay the rates." That, he admitted, would not be an adequate safeguard; still, it would be some sort of security against the unjust inroads on the privileges of others proposed by this Bill.

Sir E. BUXTON said, the very object of this Bill was to prevent those persons whose rates were compounded from being obliged, if they desired to be on the Register, to pay the rates themselves. The hon. Gentleman (Mr. Newdegate) had better at once openly admit that he was entirely opposed to the Bill. Not one single franchise would be gained by the people if the Amendment of the hon. Gentleman were adopted.

Mr. W. WILLIAMS said, the hon. Member for North Warwickshire was under a misconception in supposing that any number of persons had taken lodgings in the borough of Lambeth to qualify themselves to vote at the last election.

Sir W. CLAY objected to the Amendment.

Mr. NEWDEGATE explained that his intention was to prevent such abuses as had been carried on in the borough of Lambeth; and having drawn attention to the subject, he did not wish to press the Amendment.

Amendment withdrawn.

Mr. Alderman SIDNEY: It was notorious that the last election for the borough of Lambeth resulted in the turning out of the hon. Member for Kinsale (Mr. Hawes), and the seating of the Solicitor for London, Mr. Charles Pearson, owing to the circumstance of there having been placed on the Register a number of persons qualified only by being lodgers, and by having compounded for the payment of rates with householders. There was no society in the borough of Lambeth for expunging the names of such parties from the Register. Thousands of such persons were on the Register at the election which took place in 1847.

Clause, as amended, agreed to.

Clause 2.

Sir W. CLAY said, he would for the present strike out the clause altogether. with the view of its being reintroduced on the bringing up of the report. The first clause had been so much altered that he considered this course necessary, with the view of giving him time to consider what would be the effect of those alterations before he asked the House to adopt the second clause.

Mr. SPOONER said, the hon. Baronet had asked the House to deal with his measure in a very irregular manner. Would it be a convenient course to discuss an important portion of the Bill on the bringing up of the report?

Clause struck out; Preamble agreed to; House resumed.

Bill, as amended, to be considered To-morrow.

COUNTY FRANCHISE BILL.

Order for Second Reading read.

Mr. LOCKE KING, in moving the Second Reading of the County Franchise Bill, trusted he might claim the indulgence of the House; for he felt that he did it under somewhat peculiar circumstances. He must say, he deeply regretted that, in the majority which had voted in favour of the introduction of this measure, the names of Her Majesty's Ministers did not appear; for he was confident that no one thing could have tended more to strengthen Her Majesty's Government and make them popular in this country than to have given a good substantial proof of their desire to extend the franchise by supporting this very simple and just measure. He had been blamed by one or two hon. Gentlemen for having pressed the House to a division upon that occasion, and having thus exposed Her Majesty's Ministers to the mortification of a defeat; but he begged to assure those hon. Members that he had never intended this Motion to be a mere show, a sham, a flash in the pan, but a reality. He had felt that great interests were at stake — that the great cause of free trade was in danger, owing to the great diminution which had already taken place in our county constituencies; at the same time, he had never had the least intention of embarrassing the Government in any way, much less of endangering its existence. Could it be supposed that he could wish to see the hon. Gentleman the Member for Buckinghamshire occupying the post which the noble Lord now occupied? Certainly, if he wished to see a sudden, violent, and complete revolution effected in our institutions, and if he wished to see protection established as the means of bringing about such a revolution, then, perhaps, he might wish to see the hon. Gentleman and his party upon the Treasury benches. Now, he must say, that they who advocated this cause of reform stood in a much better position in consequence of that decision than they had ever done before; for the principle of a substantial extension of the franchise had been admitted, not only by a majority of two to one of the Members of that House, but also by the subsequent statement of two of the most eminent and distinguished statesmen. The noble Lord at the head of the Government, who voted against the measure, at the same time, said—

"I do not think any reasonable objection can be alleged against the class of persons whom the hon. Member proposes to introduce into the county constituencies. I admit at once they are a class of persons who, if intrusted with the elective franchise, would probably use it with intelligence and integrity."

The right hon. Gentleman the Member for Ripon, who, after having heard the discussion, abstained from voting, also expressed sentiments of a similar charater. But he had had the satisfaction of having since had the avowal of both the noble Lord and the right hon. Gentleman; and he was pleased to find that the noble Lord appeared to be actually in advance of his Cabinet upon this question, for the noble Lord said that he had prepared an outline of a plan, but that, after various discussions among the different Members of the Cabinet, they had all concurred in the opinion that it was not advisable to introduce such a Bill this Session: and the noble Lord added, that he confessed he came to that conclusion, having originally held a different opinion, but that he came to that conclusion in conjunction with all his colleagues. The right hon. Gentleman the Member for Ripon also stated that, upon his part, there could be no objection to an extension of the franchise; but he, at the same time, said that the greatest caution was requisite. He (Mr. King) was sure the House would fully concur with the right hon. Gentleman that, in any extension whatever of the franchise, the greatest caution was required. It seemed to him, when he heard those statements, that the good genius of our country was hovering over the noble Lord and the right hon. Baronet, and that they who, once acting together, had brought forward the Reform Bill, and thus, humanly speaking, had saved the country from anarchy and confusion, were about to unite again to produce another Reform Bill of almost equal importance. It seemed, also, a good omen to have had such an admission made by the only two surviving Members of that Cabinet, that the work, as it were, of their own hands had been weighed in the balance by them, and had been found wanting. It appeared to him, that the duty of considering what should be done in this matter had now indeed become urgent. It had become a question for the noble Lord to consider whether he could keep the whole country in a profound state of ignorance as to what kind of plan he was likely to produce after a lapse of twelve months. It certainly would be an anomalous and singular state of things for the noble Lord not only to show a willingness to agree to the principle, but to admit that he had formed the conclusion to produce a plan, which, however, they were not to discuss for twelve months to come. He must say, that he was most thankful even for such an avowal as that, when he recollected that it was made in the midst of great financial difficulties, caused by a surplus in the revenue and a corresponding deficiency in the Budget, aggravated, no doubt, by the zeal which had been created and fostered respectively by the letters which had been written—the one to the Catholic laity from the Flaminian Gate, in the city of Rome, the other to a Protestant bishop from Downing-street, in this metropolis. But every liberal Member must feel himself somewhat in the same position as that so truly described by the right hon. Gentleman the Member for Ripon, when he said that it was impossible for him to say whether he approved or disapproved of the outline of the plan which the noble Lord was likely to bring forward; for it must be equally impossible for any Member of that House to form an opinion upon it. While they all knew that the Bill before the House would, in some counties, very probably double the number of electors, they had no assurance whatever from the noble Lord whether his Bill would double them, or would only add a half or a quarter to the number of those whom he admitted to be an unobjectionable class. The avowal which had been made by the noble Lord must, in the end, most assuredly alienate from himself, his party, and his Government, the whole of the great Tory party. The Tories would do the noble Lord in future no more yeoman's service. He must rest for his support upon the Whigs, the Liberals, and, as in the time of the Reform Bill, upon the people of England. He (Mr. King) had, for his part, great confidence that the noble Lord would produce, when the time came for redeeming his promise, such a scheme as he had declared to be necessary, and as would satisfy the people of England; that he would append to his Reform Bill another Schedule A, and disfranchise that wretched class of small borough constituencies, which, from their utter insignificance seemed to be incapable of that sort of public virtue which characterised the larger electoral bodies. If that wretched, contemptible, and most mischievous class of boroughs, which only just escaped disfranchisement at the time of the Reform Bill, should be removed from our electoral system, on which they were a blot and a stain, and if the pocket counties, which were in the hands of a few individuals, should be remodelled by the noble Lord, he would occupy a position, as the Reformer of the Reform Bill, as honourable and elevated as that which he had gained twenty years ago. At all events, he was sure of this, that unless when the time came the noble Lord should propose a very large and extensive measure of reform, he would not be able to carry it; for, unless he enlisted upon his side the sympathies of the great body of the people of England, his Bill would be thrown out elsewhere. It was time, then, for them all to unite to put their shoulders to the wheel, and it was time for the noble Lord, if possible, to put himself at the head of the movement for extending the franchise. The noble Lord the other day had felt constrained to resign office, and he retained it now only because another noble Lord was unable to form an Administration. The only party, therefore, on whom he could rely were the Liberals; and did it not, then, behove them, if they wished to strengthen the Government, to adopt enlightened liberal principles that should unite them all? When the Irish Franchise Bill was introduced, the noble Lord stated that the number of occupiers above 8*l.* in Ireland was 313,224, from which number several reductions had to be made. The population of Ireland amounted to about 8,000,000. Now, if he took the county population of England (deducting the boroughs), it amounted to about 9,125,131, and the number of occupiers between 10*l.* and 50*l.* was 319,558, from which very considerable reductions, however, had to be made also. But when he took into consideration the wealth, the intelligence, and, above all, the amount of taxation which was paid by the people of England, in comparison with those of Ireland, he must say that the people of England were not so well represented as the people of Ireland. But he begged hon. Gentlemen not to be alarmed at the numbers which it was thought would be admitted by this Bill into the constituencies, for, as he had before said, very large reductions had to be made from that number of 319,558. For example, many who were returned in counties as the occupiers of houses between 10*l.* and 50*l.* were the actual owners of such houses. There were also many who, by the assistance of freehold land societies, had purchased 40*s.* freeholds, and were already upon the register; and there were also many large owners who had land in different parishes who retained portions of that land, such as woods, in their own holding, and were thus returned as so many separate owners. Deducting the boroughs, he found that in 1841 the county population amounted to 9,125,131; adding to that 15 per cent for increase in the population since, he had a total county population at the present time of 10,493,900. Then, if he took the number of electors, which then amounted to 484,073, and added to them 15 per cent, in order to keep pace with the population, it would augment the number of electors to 556,683 in 1851; but instead of that they only amounted to 461,413, showing an actual decrease of 95,270 in the counties. Applying that same rule to the boroughs, he found that in 1841 their population amounted to 5,870,007, and, adding 15 per cent, the present population would be 6,750,007. The electors in 1841 amounted to 328,636, and again adding 15 per cent, he found that the number now ought to be 377,931; but instead of that it had actually increased (while the counties had decreased) to 378,384. At the time of the census in 1841, one out of every eighteen had a vote both in the counties and boroughs; but now, while in boroughs the proportion continued nearly the same, in counties it had decreased to one in twenty-two. He trusted that there might be no delay in granting a measure of this description; for delay was greatly to be regretted in making concessions of popular rights. That which to-day would be accepted as a boon, to-morrow would be extorted as a right. Look at the history of coercion so long continued, and concession so long postponed in Ireland, and they would see that a large portion of the benefit which concession was justly calculated to produce was altogether lost. Again, let them look at the question of disfranchising East Retford; a reform so paltry and insignificant as that had the effect of staying all reforms for a long period; but in 1830 the noble Lord admitted that a much larger measure was necessary than he had originally contemplated. He might say that in truth postponement, refusal, and delay had been invariably the characteristics of the Tory party, and that greater reforms than were at first asked had always been ultimately extorted. If they took the reign of Charles I. it was followed by Cromwell and the Commonwealth; and in our own time George IV. was followed by William IV., when the country obtained the Reform Bill; and finally, Victoria, and the triumph of Free Trade. In France Louis XVI. and XVII. were succeeded by Napoleon and the first revolution; and Louis Philippe by another Napoleon and another revolution. There were some remarkable words uttered by that great man Louis Philippe in 1804, when Duc d'Orleans, which showed how much in 1848 he had forgotten his early instruction. He said, *Le moyen de rendre les revolutions plus rares, ce serait de rendre les reformes plus faciles.* He trusted that the noble Lord in 1851 would not forget these remarkable words, uttered in 1804, and enunciated by himself in 1831 and 1832. The noble Lord should consider what must be the effect produced by delay upon the minds of those who wished to be put on the same footing as their fellow-citizens. There could be only one feeling with respect to a measure like the present, simple in its principle, easy to be carried out, and by which it was proposed to enfranchise a class so totally unobjectionable that nobody had dared to assail their characters, and yet it was said that they were not to enjoy that franchise which was enjoyed under similar circumstances by their fellow-citizens. The consequence must be, that if the ancient prejudices of a great obstructive party, or if hereditary prejudice combined with hereditary privilege operating on any body elsewhere, should delay, or refuse an instalment of this debt of justice, the result must be that every man who would be enfranchised by that Bill, and who would have a voice in the election of those who taxed and legislated for him, would feel that the voice of reason and justice had been disregarded, and that popular outcry and agitation might very properly be had recourse to.

Motion made, and Question put, "That the Bill be now read a Second Time."

Mr. P. HOWARD thought that the Bill would confer upon a very large and very important portion of the community that Parliamentary franchise from which they were at present unjustly debarred. It would grant the franchise to a large number of professional men, who were now entirely excluded from the franchise. It would confer the franchise upon civil engineers, medical men, and others of a similar grade in society. It might be said that it was within the power of every individual, by an outlay of between 40*l.* and 50*l.*, to acquire a freehold Parliamentary franchise. That was quite true; but such purchases were only made by those who might be called jobbers in the Parliamentary interest. But it was to secure votes to those who did not come within that category that he was anxious that this Bill should be passed into a law. The people had shown, by their habits of order, by their increased love of education, that they were worthy to be entrusted with the elective franchise. This extension, he felt assured, would give security to property, and an additional stimulus to the industry of the people.

Mr. FOX MAULE had been in great hopes that his hon. Friend who had moved the second reading of this Bill would have been content with the opinion which had been already expressed by the House, and would not have pressed further, during the present Session, the progress of a measure which he perfectly understood his hon. Friend to have undertaken in a *bonâ fide* spirit. In the few observations which it was his intention to address to the House, he should refrain from discussing the principle of the measure which had been brought forward; but he might state in passing that he entirely concurred in the opinion expressed by his noble Friend at the head of the Government, that the class whom his hon. Friend sought to enfranchise were perfectly worthy of it, and that it was not upon the ground of any unworthiness on their part that he at present opposed the further progress of this Bill. Looking at the conduct of the people of this country, and the proofs they had given of their ability to exercise more extended franchises than they at present enjoyed, he must say that in his opinion the time had come when an extension of the franchise might safely be conceded. But his opinion was, that if they were to meddle with the Reform Bill, there must be a complete union among those who desired to extend that great measure. And his noble Friend, in the former debate upon this measure, had most distinctly given the House and the country to understand that not only in his opinion had that period arrived, but that had other measures not intervened to throw the discussion of such a proposition as he was disposed to make, so late into the present Session of Parliament as to afford no prospect of its being carried, he himself would this Session have introduced such improvements upon the Reform Bill as would be consistent with the principle of that Bill. But what had happened? Circumstances had occurred which had brought measures under discussion of which he defied any one to predict with certainty the termination—measures too in which the people of this country were for the moment as deeply interested as they would be even in the discussion of the Reform Bill. He alluded, for instance, to the measure with reference to the assumption of Ecclesiastical Titles, to those connected with the Financial arrangements of the country, and that relative to the admission into Parliament of Members of the Jewish persuasion—a measure, allow him to say, which must be brought forward, to which the House was pledged, and which he held they ought to discuss even previous to any general measure for an alteration of the Reform Bill. But his noble Friend had gone further than that, and had stated that if he held the same position next year that he now held, it was his full intention to bring before the country such a measure as he should think consistent with the principle of the Reform Bill, and required by the necessities of the case. Now, if any man in that House were entitled to have confidence placed in his statements, it was his noble Friend, for of no man could it more honestly be said that he had never shrunk from redeeming his pledge, and that pledge his noble Friend would redeem when the proper time came. He thought if the franchises were to be extended, it should be by one general measure affecting all the different franchises at one and the same time; and he strongly deprecated these bit-by-bit reforms, which could bear no fruits in their isolated forms, but which, if brought forward as a general measure, would insure the support and co-operation of all parts of the community, and would acquire a force out of doors which would enable it to be carried by a large majority. Therefore, he earnestly entreated his hon. Friend upon the present occasion not to press his Motion. He had admitted to his hon. Friend that he agreed in the principle which he would urge in so far that the class in question was worthy of the franchise. He had admitted that it was the intention of the Government to extend the franchises of the people generally. He believed, as he had said before, that the people had shown themselves entirely worthy of such an extension, for, at a time when other countries were convulsed with revolutions, the people of England, in perfect confidence that the onward progress of reform was making silent but sure advances, remained quiet, the friends of law, the friends of order. He earnestly recommended his hon. Friend behind him to remember that all reforms must be carried by union among reformers. He warned them, if they were to have dissension among themselves—if measures were to be brought forward from time to time, first upon one subject and then upon another, interfering with that great constitutional measure upon which the representation of this country was founded, that there was a party occupying a most legitimate position in the country, who, not seeing the same necessity for reform that they did, looked not only for the downfall and overthrow of the Reform Government, but also for the disruption of that great party through whom all reforms could alone be carried. He told the Reform party that they were the only party in the country who had the will to carry reform, but that they could have no power unless they would act in combined union. He called upon them then to combine, and follow the banner of him who, twenty years ago, had led them to one of the greatest reforms that any country had ever received at the hands of any Government, and who would, if allowed to use his own time and to exercise his own discretion, lead them to still further victories in the constitutional struggle. He was confident that his noble Friend would do that if the Reform party would combine together; but, on the other hand, if they withdrew from him that confidence to which he thought he was justly entitled at their hands, and from time to time brought forward isolated measures of their own to extend the franchise, then their endeavours, so far from being successful, might end in a discussion which would have the effect of stopping further measures of reform for a considerable period, and might lead to the placing of the affairs of this country in the hands of those who were opposed to all reforms. The only result of introducing measures such as this must be disappointment and delay, and for these reasons he entreated his hon. Friend not to press his Motion for the second reading of the Bill upon the present occasion.

Sir B. HALL thought it a matter for consideration whether the sense of the House should be taken on the second reading of the Bill after the division in which the hon. Member for East Surrey, who had introduced the measure, had been so successful. The speech of the right hon. Gentleman (Mr. F. Maule) placed the matter on a totally different footing. If the noble Lord at the head of the Government had spoken only as strongly and strenuously in the first instance as had the right hon. Gentleman now, it would, with the majority the supporters of the Bill then had, have perhaps been unadvisable to take a division even on that occasion. But, as the case at present stood, it seemed much more advisable that the party favourable to reform should place the whole responsibility on Her Majesty's Government, and, after the pledge so distinctly given by the right hon. Gentleman, should leave the matter in their hands, relying on their honour, and the statement the House had heard of an intention to bring forward, not merely a measure meddling, as it was expressed, with the Reform Act, but a great measure of electoral reform, which would be satisfactory not only to the party which the right hon. Gentleman desired to identify with the Government, but also to a great party outside. The right hon. Gentleman had referred to the fact that the hon. Member for East Surrey had got the principle of his measure admitted. [Mr. LOCKE KING intimated dissent.] The hon. Member had certainly obtained a division of the House in favour of the subject; and what the right hon. Gentleman (Mr. F. Maule) distinctly said was, that the class proposed to be enfranchised would perform their duties with intelligence and integrity, and that he believed them worthy of the elective franchise. If that were not admitting the principle of the measure, it was hard to say what would be so. He was therefore disposed to leave the subject in the hands of the Government. But his right hon. Friend had gone much further, and placed the House in such a position that it was now a mere matter of expediency what should be done. Looking to the benches of the House as at present filled, and hearing the opinion of the Government that this measure must be opposed, was it advisable for the representatives of the Reform party to hazard a division which they must feel perfectly confident would go against them? On these grounds he suggested that his hon. Friend the Member for East Surrey should not press the Motion to a division. He would rely on the promises made by his right hon. Friend the Secretary at War on behalf of the Government. It was to be regretted that the measure intended had been so long delayed; and the reasons alleged did not sufficiently justify the postponement of a general measure of electoral reform.

Sir B. Hall

SIR DE LACY EVANS could not avoid concurring in the sentiment just expressed by the hon. Member for Marylebone (Sir B. Hall), that it would be inexpedient to press the second reading of this Bill to a division. He had voted with the hon. Member for East Surrey on the former occasion, but without feeling the remotest distrust of the intentions of the noble Lord at the head of the Government, in whose promise to introduce a measure early next Session to extend the franchise he reposed every confidence. The hon. Member for East Surrey, whose Motion had elicited those promises, was entitled to the thanks of all the Reformers in the country. But he concurred greatly in the observations of the right hon. Gentleman (Mr. F. Maule) and the hon. baronet (Sir B. Hall), though he thought there was nothing to be regretted in the division which had occurred, or the debate which had arisen. The hon. Member for East Surrey would incur a serious responsibility if the Motion were pressed to a division now; the advantage gained by the former division would, it might be feared, be lost.

MR. BRIGHT said, he thought they were wandering from the matter under discussion. They were not met to discuss whether they should divide or not, but whether they should go on with the Bill, and not simply whether it was desirable to bring forward an important question when hon. Gentlemen opposite were in the House. He had no expectation at all that a measure of that kind could be smuggled through the House, nor did he think it desirable that it should be. It would be far better to turn their attention to the measure itself, than to what had taken place on the last discussion, or what would be the result of a division that day. He had listened with considerable gratification to the speech of the right hon. Secretary at War. He was frank in his declaration of something to be done; and from the tone of his remarks, it might be supposed that it was to be something considerable. But the noble Lord at the head of the Government had not hitherto indulged the House with anything so distinct. On the last occasion he had agreed that, to a certain extent, the class of persons sought to be introduced to the franchise by the measure of the hon. Member for East Surrey might be so introduced consistently with the spirit of the Reform Bill, and with the good government of the country; but he had concluded by expressing a very decided opposition to the Bill itself and to its principle. He had intimated that there was some constitutional reason why the franchise, which was suitable and proper for boroughs, should not be so for counties—a distinction which appeared to arise in the noble Lord's mind from some extraordinary veneration for that arrangement of our electoral system by which one class of Members represented boroughs and another counties, thus arraying the industry of the boroughs against the territorial influence of the county representation. As the noble Lord had not signified his approval in the slightest degree of the extension of the 10*l.* franchise to counties, the hon. Member for East Surrey was justified in bringing this specific proposition before the House, to have it faily discussed; for if, during the recess, the noble Lord considered the subject of Parliamentary Reform, and this particular question, he would be much assisted in the conclusion to which he might come by a full and fair discussion in the meantime on the principle of this Bill. He would, therefore, urge that they should go to the consideration of the Bill itself, to determine whether it should pass, or whether its principle was a good one, and proper to be introduced into a general measure. It was agreed that they were to take another step in advance from the platform of the Reform Bill; for it was only a minority in that House who opposed all progress. The right Hon. Gentleman (Mr. F. Maule) objected to this Bill, because it was only a part of the question, and thought it would be better to deal with it as a whole. There was some force in that objection; but when the hon Member for Montrose brought forward his Motion, which embraced the whole question, which proposed not only to give a large extension of the franchise, but to accompany it with certain arrangements which seemed absolutely necessary for giving proper efficiency to a new Reform Bill, the Government complained that the proposition was so enormous that it was impossible for the House to adopt it, or even to discuss it on the Motion of an independent Member. Therefore, his hon. Friend (Mr. L. King) had brought this forward as one branch of the great subject; and he hoped the discussion would have some effect in clarifying the mind of the noble Lord when he came to consider it as a whole. Let the House look at the question in this light: it was not in any degree a question of principle as regarded the suffrage; for all that the Bill proposed had been adopted with regard to half the electors in England and Wales, and to the whole of those in Ireland. It was merely a question of limits, not of the suffrage itself—a proposal to extend the suffrage already permitted in boroughs to those living beyond their limits in the counties. Were the opposers of this Bill prepared to say that beyond the limits of the boroughs there was less industry, frugality, intelligence, virtue, or any of those qualities on which they professed to base the extension of the franchise, than there existed within the boroughs? Hon. Gentlemen opposite were expected to represent those connected with agriculture. Were those they represented to be left to a 50*l.* franchise, while those who were represented in the boroughs had representation with an occupation as low as 10*l.* a year? It was said that this measure, if carried, would give increased influence to the protectionist and territorial party. If such were to be its effects, he would not object to it on that ground. A measure of this kind ought not to be looked at as a means of placing Whigs or Protectionists in office, but to be taken on its own principle, and with reference to the particular class of persons intended to be enfranchised. The right hon. Gentleman (Mr. F. Maule) said he thought those persons most worthy of the franchise. If so, was it not a great and undeniable grievance to exclude them? The constitution clearly was, that all who could safely be entrusted with the franchise should exercise it; and if the Government thought that these persons were entirely worthy of the franchise, and would exercise it with propriety and safety to the country, it was the duty of the noble Lord, if he undertook the question, to include them in his Bill, and admit them to the franchise. He had no strong opinion on the question of division; he had not on the former occasion. If the noble Lord would tell the House, with a frankness which he hoped he would recover on this question, but which seemed to have abandoned him for the last five years, what kind of proposition he would bring forward—for when he (Mr. Bright) was asked for great confidence, he liked to know what he was asked to confide in; and looking at the speeches of the noble Lord on this question, leaving out of view his antecedents twenty years ago, there was no reason for believing that he was about to submit such a Reform Bill as would excite the enthusiasm of the country, or such as his right hon. Colleague on a former occasion had alluded to; and until the House knew whether the Government proposition was to be a large and generous or a small and peddling one, he must persist in his support of this Bill. If the noble Lord would give the House some kind of outline of the principles on which he intended to found his measure—for he had already revolved it in his own mind, and stated that he had been prepared to submit it to the Cabinet this Session—he should say that, under the circumstances of the business in this Session, and it being impossible for a question like that to be carried without the assistance of Government, there would be no objection to this Bill being withdrawn or negatived, only on the express understanding that the noble Lord had this question under consideration, and would give his early attention to it. A great many hon. Gentlemen behind him were in a difficulty. They had voted for the introduction of the Bill, and consequences had followed—he would not say had resulted from that vote—which he, among the number, very sincerely regretted. The question was whether they should again divide? He was certain that those who thought it really important that the franchise should be extended would find all their measures promoted by a single-minded, undeviating following out of the principle which on this question they had adopted. The noble Lord himself had been once an independent Member of that House, and used to bring forward questions of reform; but he had never thought himself obliged to hide his light under a bushel, and put out his Reform Bill, because the Minister asked him to do it as a convenience to the Government. The noble Lord was not so bad a tactician as not to know that all measures carried by Governments were carried because they were obliged to do it. If independent Members put their opinions in the background, the result would be that nothing would be done, and hon. Members might as well go home, and allow Ministers to carry on, not only the government, but the executive of the country. He would rather see a bold and comprehensive measure of reform brought forward by the noble Lord than by any one else; but the noble Lord had not sufficiently explained his views. It was desirable that he should do so, as then it might not be necessary to go to a division.

Colonel SIBTHORP wished to express his hope that the hon. Member for East Surrey would divide the House on his Motion; but at the same time he (Colonel Sibthorp) certainly should not support the hon. Member, because he could not subscribe to anything which might be the forerunner of a democracy. He hoped the hon. Member would divide, particularly on account of what had fallen from the right hon. Gentleman the Secretary at War, who had turned round to those whom he considered his friends—a united party no doubt they were, and implored them not to divide, because, indeed union was strength. He (Colonel Sibthorp) would neither support the hon. Member for East Surrey, nor the Government; and, indeed, nothing could gratify him more than to see the two parties at loggerheads, because out of apparent evil he expected there would come good. Hon. Gentlemen placed great confidence in the noble Lord's promised Bill. He (Colonel Sibthorp) did not know where the measure was. Perhaps it was in the Glass Palace. He wished it was there, for then they would be able to see it; but he had no confidence in the noble Lord's Bill, for he believed it was all mere clap-trap. He would leave the Government in the hands of its friends, and the better they handled it the more satisfied would he be. With the expression of these humble opinions he would beg leave to withdraw, leaving both parties to fight it out as they might; and he would give the hon. Member for East Surrey and the noble Lord at the head of the Government the full right to judge of the matter as they thought proper.

Mr. HUME was sorry the hon. and gallant Officer had retired, because he thought he would never have been found declining combat on such occasions. The right hon. Secretary at War had made an excellent speech, after the lapse of many years' silence on this subject on the Treasury benches; but he (Mr. Hume) had been too long in that House to take the promise of the right hon. Gentleman for the realisation of the whole of their views, as some hon. Gentlemen appeared to do. He could not accede to the suggestion of the hon. Member for Marylebone, because if the Government should bring forward only a mere fractional measure, they would have shut the door against the discussion of any further measures of reform. Every Member who voted against the second reading declared constitutionally against giving the franchise to the persons included in this Bill. The right hon. Secretary at War deprecated a division, and called upon the reformers to be united. Why, who had disunited them. The Government, who always stood still while the country required progress in reform to be made. It was said the principle of the Bill had been already admitted. Why, that was a monstrous assertion. The principle of a Bill could only be admitted by voting for the second reading. If the Government were sincere in their intentions let them support this Bill, as an instalment of what was due to the country. They should manfully say they meant so and so, and not leave the House to depend on vague and indefinite statements. Unless they did that, he hoped the hon. Member for East Surrey would divide upon the second reading. It would be a disgraceful thing to see reformers going into the lobby along with the enemies of all reform; and he thought it perfect folly to say that the principle of this Bill had been agreed to because leave to bring in the Bill had been carried when the reformers had been left almost alone in the House, and with only ten or a dozen of the hon. Gentlemen opposite in their places.

Sir B. HALL wished to explain, after what had fallen from the hon. Member for Montrose, that what he had stated was, that after the speech of his right hon. Friend the Secretary at War, it would perhaps be better to throw the onus of this measure on the Government. If, however, the hon. Member for East Surrey insisted on dividing the House, he (Sir B. Hall) had not said he should vote against him.

Mr. HEADLAM fully approved of the principle of the Bill, which he considered was very important; but he altogether dissented from the manner in which that question had been brought forward. He was willing to admit that he was one of those who believed in the promises of the noble Lord at the head of the Government; but he did not think it would be of any benefit to the country if the noble Lord were to make any intimation just then of the nature of the reform which he contemplated. If the House went to a division he would vote for the second reading of the Bill, but would not do so from any distrust of the noble Lord.

Mr. RICE said, that although he had voted for the introduction of the measure, he agreed fully with the hon. Baronet the Member for Marylebone, that it was not desirable that the question should be pressed at that moment. He thought, too, after the declaration of the right hon. Gentleman the Secretary at War, that there was the less need for a division; but they must all admit that much had been gained by that discussion. He hoped to see the measure carried; and it was because he wished to see it carried soon, and on the authority of the Government, that he should oppose the present Motion if they went to a division. In conclusion, he would ask the hon. Member for East Surrey not to press his Motion to a division.

Mr. T. DUNCOMBE had often had the honour of introducing to the House propositions for the reform of the Reform Bill, and he generally moved them in the shape of resolutions to the effect, that the Reform Bill having disappointed the expectations of the people, and not being accounted a final measure, the House should proceed to take the state of the representation into its consideration. Now, they must forgive him, if on the present occasion he had, to a certain degree, doubts as to the extent to which the Government proposed to carry their intended Reform Bill. He had not received that consolation from the speech of the right hon. Secretary at War which other Gentlemen seemed to have got, because he had not told them whether it was the magnitude or the inefficiency of the present measure that Her Majesty's Ministers objected to. He told them, certainly, that it was a very respectable class to whom the Bill proposed to extend the elective franchise; but the way he showed respect for that class was by voting a direct negative to the measure by means of which that franchise was proposed to be conferred upon them. Then, if he had read aright the speech which the noble Lord at the head of the Government made on this measure, there was a very considerable discrepancy between the noble Lord and the Secretary at War with regard to this class of voters. The noble Lord said they would be a dependent class, and ought not to have the franchise; but the right hon. the Secretary at War said they were a class possessed of intelligence and integrity, and entitled to the franchise; and then they were told that the state of public business was the only reason why Government had not introduced a Reform Bill of their own. That was not the reason, however, which the noble Lord gave on a former occasion. The noble Lord stated, and it was satisfactory to the House and to his supporters, that Her Majesty's Cabinet had had before them a Bill for the reform of the representation, and that they had gone into interesting discussions upon the question. But the only consequence of those discussions was, that, all of a sudden, it occurred to the Ministers that the Reform Bill was not twenty years old; that next year it would be twenty years old, and that then would be the time to consider the matter and bring in a Bill; and the noble Lord accordingly promised, that if he was then in office, he would bring in a Bill to reform the Reform Bill. But he (Mr. Duncombe) wanted to know how they were sure the noble Lord would be in place that time next year? What then would become of these promises of a Reform Bill? He recommended the noble Lord, besides, to tell them distinctly what they were to depend upon, and whether he considered the Bill before the House to be inefficient. He should like to hear the noble Lord say, "Wait till next year, and I will show you a Reform Bill—do not trifle away your time with this measure, that does not go half far enough. I will then show you such a measure of reform as will at the next general election be the cause of so great a majority in favour of free trade, that Gentleman opposite, instead of complaining that they cannot get a fixed duty on the food of the people, will consider themselves very fortunate if they get off without a bounty being laid on the importation of food." If the noble Lord would only state something like that, then he would join in asking the hon. Member for East Surrey to withdraw his Bill. When he considered that it was so long a time since the noble Lord had done anything in the way of reform, he could not help advising him to support this Bill (which could not interfere with his own great measure) by way of keeping his hand in. It would be a good earnest to the people of the honesty of the noble Lord's intentions, and also of the sincerity of the promises made by his right hon. Friend the Secretary at War.

Mr. CLAY had heard with pleasure the proposition made by the right hon. Gentleman (Mr. F. Maule), and he must say that he was unwilling to see any step taken which would embarrass the party by whom reform was likely to be given, or to encumber the great measure of reform with which they were promised by coming to a decision now upon only a small part of it. If the hon. Member for East Surrey was determined on dividing, he (Mr. Clay) would vote for the Bill; but he should do it unwillingly, and in no distrust whatever of the promises made by the noble Lord. It was far from his wish to embarrass the Government. He did not think the Government open to the charge of sticking with too great tenacity to the Treasury benches. They had merely resumed office to transact the ordinary business of the country; and under such circumstances, he would support either a Whig or a Tory Government.

Mr. Alderman SIDNEY had no apology to make for pursuing the same course with regard to this Bill which he had done in the division upon its introduction. He had voted with the hon. Member for East Surrey because he concurred in what the noble Lord (Lord J. Russell) had himself admitted—namely, that the persons contemplated by the Bill were fairly entitled to be entrusted with the franchise. He considered the measure neither democratic nor dangerous; on the contrary, he viewed it as a Protectionist and Conservative measure. He found that in the metropolitan districts only one householder in three got on the Register. In the counties of England and Wales, the number of houses rated at from 10*l*. to 50*l*., and not entitled to vote for Members of Parliament, was 319,538. He believed that not more than one-third of this number of voters would find their way to the Register if this Bill became law, and he thought they were fully entitled, on constitutional principles, to be placed there. Instead of making the people more democratic than they were before 1831, the Reform Act had materially tended to make them more conservative—they had become more anxious to preserve the institutions of their country; and therefore he would say to his hon. Friends on that (the Opposition) side of the House, that their fears on this measure were entirely groundless, and if he could rule their decision on this question, he would earnestly beseech them to support by their votes the proposition of the hon. Member for East Surrey.

Colonel THOMPSON said: I am one of the gentlemen under difficulties, alluded to by the Member for Manchester. I am sent here with a special charge to support two objects, the cause of free trade, and that of the extension of the suffrage; and for these I must conscientiously do my best. In pusuance of that conscience, I must vote against a movement which, after the declarations of the noble Lord, appears to be what military men I think call *décousu*, unconnected and out of place. And there is another reason which, in the exercise of the same conscience, weighs upon me. There were results or consequences (for there has been some dispute on what they ought to be called) connected with the bringing in of this Bill, which I should be sorry to see repeated now. I therefore take the opportunity to avow, that so far from sharing in the opinion of those hon. Gentlemen calling themselves free-traders, who declare that it is indifferent to them what class of politicians occupy the benches of the Government, I had as lief see London six weeks in the occupation of a foreign enemy, as the Protectionists six weeks in possession of the Government. The evil might be more concentrated, but it would not be superior in amount. For these reasons, if the hon. Mover does not comply with the numerous invitations from allowed friends not to press his Motion, I shall unwillingly be obliged to vote against him.

Mr. S. CRAWFORD would have thought the hon. and gallant Colonel who had just spoken, the last man to become a compromiser upon this question, and he deeply regretted the course he had thought it his duty to take. The Bill now brought before them was not brought forward as a sham or a delusion, and he called upon hon. Members who voted for the introduction of the measure to stand upon the ground they then maintained. No inducement should lead him to withhold his vote for the second reading of the Bill.

Colonel ROMILLY wished to state the reasons that would influence his vote on the present occasion. In his opinion the time that had elapsed since the passing of the Reform Act, had been so usefully employed by the people; their advance in education, in knowledge, and civilisation had been so great; their progress in habits of morality had been so steady; whilst the evidence they had given of their attachment to order, and their submission to good government, had been so unmistakeable, that they had fully established a claim to more free admission to the privilege of political representation. Holding this opinion, and thinking that it would be both safe and advantageous to grant a considerable extension of the suffrage to the people, he had thought it his duty during the short time he had had the honour of a seat in that House to vote on all occasions for such measures as appeared to him safe and reasonable, having that object; and on these grounds he had voted last year with the hon. Member for East Surrey for the measure now under the consideration of the House. He did so, not because he thought that partial plan for the extension of the suffrage was a particularly good plan, for he saw objections that might be urged to it, as an extension of the most objectionable part of the Reform Act—the Chandos Clause—but he did so because he thought it was important at that time to impress upon Ministers and the heads of other parties in the House that the period had fully come when some measure of extension of the franchise ought to be granted to the people. At that time no leader of any considerable party in that House had declared himself favourable to the consideration of the question, for although the noble Lord at the head of the Government stated—as he had always stated—that he did not consider the Reform Act to be necessarily a final measure, he had not then stated any time when he would be ready to bring a measure forward. Such was the state of this question during the last Session; but what was its condition now? On the occasion of his hon. Friend introducing the present measure, the noble Lord, after stating certain objections to it, and adding particular reasons, founded on considerations of general policy, for not entertaining any general measure on the subject during the present Session, went on to say that he should be prepared to submit such a measure to Parliament in the ensuing Session. He (Colonel Romilly) was absent through illness on that occasion; but he was one of those who regretted that his hon. Friend should have thought it necessary to divide the House after that declaration by the noble Lord. But if that was then a subject for regret, how much more must it be so now that he should press the second reading. He would make no remark on the immediate consequences of the vote on the first reading; but since that vote had occurred, the right hon. Baronet the Member for Ripon at the head of a large party in that House—["No, no!"]—he should have said of a party distinguished by their experience and abilities, if not by their numbers, did, on the occasion of explanations which he gave of the causes which had prevented a Ministerial union between him and the noble Lord at the head of the Government, and referring to the declaration which had been repeated by that noble Lord on that occasion, state that he also would be prepared favourably to consider a measure for the reform of the franchise. The only party, therefore, in the House that had not given a promise favourable to the extension of the franchise was that great party of which Lord Stanley was the head; and which, though it was almost unrepresented on the former vote, was universally understood to be opposed to legislation in that direction. It was in such circumstances that the hon. Member for East Surrey, speaking with no peculiar authority on this subject, pressed this measure to a second reading; and he begged him to consider whether the course he was so taking was not likely to be more dangerous than useful to the cause which he (Colonel Romilly) knew he (Mr. L. King) had at heart. He (Mr. L. King) could not expect, without the assistance of one of the three parties to which he (Colonel Romilly) had referred, to pass this measure through Parliament; and if he could not accomplish this good, he would ask him whether, in failing to do so, he would not have accomplished this evil, that he would have exposed to the country and to their opponents divisions amongst themselves on a subject on which they were generally united, but to which their opponents were altogether opposed, and thereby facilitated the return to power of that party which had not only given no intimation that it was favourable to reform, but was that which his hon. Friend the Member for East Surrey (Mr. Locke King) had that day said he would consider it disastrous that it should so return. If, however, his hon. Friend should persist in pressing the second reading, the course he should think it right to take was perfectly clear. As an advocate for the extension of the franchise, he was prepared to go beyond the object of this partial measure; but because he thought the success of its second reading would be dangerous and injurious to the success of the general cause of reform of the representation, he should unhesitatingly vote against it.

Mr. F. H. BERKELEY concurred with the previous speaker in asking the hon. Member for East Surrey not to go to a division in the face of the declaration made by the noble Lord at the head of the Government, as well as by the right hon. Gentleman the Secretary at War.

Mr. PIGOTT was aware the House was naturally impatient, and tired of the numerous explanations offered by hon. Members for the votes they were about to give; but he felt it due to himself and his constituents to explain his vote on this occasion. On a former occasion, he supported his hon. Friend the Member for East Surrey, because he was a sincere reformer, and should now most reluctantly vote against him, not because he had changed his opinions; on the contrary, he felt strongly on the subject, and was firmly convinced of the necessity and justice of the extension of the franchise, and of further reform. But he was content with, and placed full reliance on, the promise of the noble Lord at the head of the Government, and the right hon. the Secretary at War. He believed the noble Lord would introduce such a measure as would give satisfaction to the House. The hon. Member for Finsbury was quite mistaken in stating the noble Lord had been idle the last nineteen years, and had introduced no measure of reform. He (Mr. Pigott) would remind the House of the Bill for the Extension of the Franchise in Ireland last Session, and also of the Jewish Disabilities Bill, now before Parliament, as an earnest of the noble Lord's intentions. He, therefore, would offer no factious opposition to Her Majesty's Government; but, on the other hand, would render them his sincere, though humble, support in carrying through their measures of reform; and he hoped the hon. Member for East Surrey would not press the House to a division, but listen to the suggestions of his Friends, equally desirous as himself for the success of the Bill, but not desirous to embarrass the Government.

Mr. HEYWORTH would vote for the second reading of the Bill, and called upon all who were sincerely attached to reform to take this opportunity of extending somewhat the basis of the franchise.

Mr. B. OSBORNE hoped he should be allowed to say, that he questioned very much the discretion of hon. Gentlemen who supported the proposition of the hon. Member who had just resumed his seat. It was all very well for the hon. Member for East Surrey (Mr. L. King) to assert that this was not a flash in the pan—a sham Motion; but, with great respect for that hon. Gentleman, he maintained it was, for all useful purposes, a sham Motion, inasmuch as he could never carry it. It might be very well to give the Government a fillip; but, like the hon. Member for Montrose (Mr. Hume), he was not prepared to assert his want of confidence in them. He (Mr. B. Osborne) had much more confidence in them to carry out reform, than he had in the small party to which he had the honour to belong. However, sincere hon. Gentlemen might be, they could not deceive themselves that they would be called upon, as a party, to form a Government, and to carry out this measure. If they were sincere in their wishes for reform, then the best thing they could do would be to support the man who was best able to effect that reform. For his own part, he should merely say, that, on a previous occasion, he voted for the measure of the hon. Member for Montrose, though not agreeing in all its details; but when the noble Lord the First Minister of the Crown told the House that it was his intention to bring in a measure of reform next Session, he (Mr. B. Osborne) would be no party to disbelieving him. On the contrary, as he did believe him, he therefore was not prepared to offer him any factious opposition. When Gentlemen talked of strengthening the Government by defeating them, he should confess that, in his opinion, it was a very extraordinary way to effect that strengthening—though, perhaps, they did right to "dissemble their love." He, therefore, called on the hon. Member for East Surrey to withdraw his Motion, as he believed the people out of doors did not care a farthing about so small a shred of reform. Where were the petitions in favour of it? It did not go far enough, and the people were consequently indifferent. If he saw a prospect of the hon. Gentleman being sent for to Buckingham Palace to form a Ministry, then he would vote with him. But, in the late crisis, what a lamentable state of things was presented to them; neither the hon. Member for Montrose, nor one of his party, had been mentioned. Well, then, there being no confidence in the higher or lower quarter, the best thing, in his opinion, to be done, was, to support the noble Lord at the head of the Ministry, and give him the assistance he deserved, by withdrawing the present sham measure, and tendering a sincere support.

Mr. TORRENS M'CULLAGH was not going to make a speech upon the general question, but simply to make an observation or two on the very edifying discussion which had just occurred, in the justice of which he felt satisfied that the fair mind of the House would readily concur. He had listened with some amazement, and with some amusement, to the singular profession of penitence on the part of hon. Gentlemen opposite, who, by their own showing, had been inadvertently betrayed into a vote, on the introduction of this Bill, the consequences, or supposed consequences, of which they deeply deplored. They had no conception, when they supported the hon. Member for East Surrey, that the fate of the Government could in any degree be considered dependent thereon; and, by way of proving their contrition, they were now determined to vote against his Bill. For his own part, he had voted as one of the hundred Members by whom the proposal had been affirmed, simply because he thought that 10*l.* occupiers in English counties were as well entitled to the elective franchise as the corresponding class in towns; and he was prepared to vote a second time in favour of that very reasonable proposition, notwithstanding all the entreaties of some of its professed supporters that it should not again be put. But he begged to remind those who had not been particularly forbearing in their criticisms on the conduct of others, how easily the reproach of deserting and denying their opinions might be retorted on themselves. During the last few weeks, certain hon. Gentlemen who had the honour of representing Ireland had been made the theme of lavish censure for having voted for the Motion of the hon. Member for Buckinghamshire. He (Mr. M'Cullagh) had, in common with many of his hon. colleagues, uniformly declared, that they did so upon very different considerations, and for very different reasons, from those set forth by its author. Yet they were continually taunted with having voted against free trade. He did not mean to accuse the hon. Member for Dovor, or any other hon. Gentleman, of turning his back on reform; the constituencies of England must judge, as the constituencies of Ireland would, of the conduct of their representatives. But he hoped that, in future, they should hear no more of loose and random allegations of inconsistency and abandoning of principle, and that hon. Gentlemen would not take for granted that every vote they did not understand, or did not take the trouble to inquire the grounds of, must necessarily imply a desertion of some great maxim of policy. Let them bear in recollection the remarkable exhibition of this day, and remember the apparent incompatibility of their vote for the 10*l.* franchise five weeks ago, and their intended vote against that franchise on the present occasion.

Lord JOHN RUSSELL said, he had but little to add to the speech made by his right hon. Friend the Secretary at War at the beginning of this discussion. His right hon. Friend stated, as he himself had stated on a former occasion, that he had no reason to question the respectability and intelligence of the class proposed to be included in the measure before the House. But the ground on which he argued this question was, that the admission of these persons would not be an improvement in the system of representation. In the same way, if it were proposed that 40*s.* freeholders not resident should have a right to vote in Manchester or Leeds, without questioning the fitness of those 40*s.* freeholders generally, he must say that he should view that arrrangement as one not likely to improve the representative system of those places. Since his right hon. Friend had spoken, one or two Gentlemen had stated the reasons why they would vote for the Bill before the House, and their statements seemed to him to require some explanation. But, before he proceeded to do so, he would ask whether it was desirable to vote for a proposition which was put on the ground on which the hon. Member for East Surrey had put his proposal? He could well understand how any Gentleman might say that there was but one alteration required with regard to the elective franchise, viz., to give to 10*l.* householders the power of voting in counties, and that such a change in the representation would be one they could safely stand upon. But that was not the hon. Gentleman's proposition. His proposition was, that this should be only one of the changes which he wished to see effected. He (Lord J. Russell) would ask the House, considering the gravity of the subject—considering the great importance of any change made in the electoral body—and considering also that the laws enacted by, and the measures adopted in the House of Commons, depended very much upon the nature of that electoral body—whether it would be wise to adopt the Bill proposed by the hon. Gentleman now, and to take other measures afterwards one by one; or whether it would not be better to reject so partial a proposition, and wait until the whole scheme for the alteration of the franchise was placed at once before the House. He put that as the ground for the House not to adopt the present proposition, but rather wait for that which he (Lord J. Russell) intended hereafter to make to the House? But the hon. Member for Manchester (Mr. Bright) wished that he (Lord J. Russell) would give the House a general outline of the proposition he intended to make, in order that the House might know how far that proposition agreed with the views entertained by the supporters of the present measure. Now, he thought that that would be the worst course he could pursue. There might be many weighty reasons for bringing forward a measure for the extension of the suffrage during the present year; but there might also be many good reasons (and he thought there were) for postponing the subject to another year; but he did not think any intelligent reason could be assigned for stating in the present year the general nature of the proposition which he intended to make next year, and to let it go forth unexplained and undefended to the country, to be canvassed and discussed from time to time during the whole period between this and the next Session of Parliament. He adhered to the declaration he had made on other occasions, especially on the first bringing in of this Bill, that he was of opinion, very much for the reasons given by his hon. and gallant Friend the Member for Canterbury (Colonel Romilly), namely, on the ground of the improvement and intelligence of the people, and the general spread of information since the year 1831, and likewise because of the defects of the Reform Bill itself—defects which were almost inseparable from any great measure of legislative reform—that it would be wise of the House in the course of the next Session, and he should say at the very commencement of the Session, because a measure of this kind should be introduced at the very commencement of a Session, to consider a measure for the extension of the franchise. He had stated so often the general views which he took of the representative system of this country, and of the general principle upon which it at present stood, that he did not think it necessary or expedient to go into that question upon the present occasion. He had one word to say before he sat down with regard to the declaration made by the hon. Gentleman who spoke last. That hon. Gentleman adverted to a statement which several hon. Members had made, that they did not intend to vote for the second reading of the Bill, because they were willing to wait for the measure of the Government upon the subject, and because they thought that the cause of reform generally would be more promoted by allowing Government to bring forward such a measure, than by voting for this single measure, with the chance of its being passed unaccompanied by other measures of reform. The hon. Member said that Gentlemen who took that course ought not to find fault with him and other hon. Members for the course they had thought proper to adopt in the course of the present Session. But let it be observed that those Gentlemen who had spoken this day had spoken with a view to promote the cause of reform; and they said that if the Government and those who belonged to it were favourable to the cause of reform, they believed they should be promoting their own principles and opinions by leaving the question in the hands of those men in whom they were disposed to place confidence — men who entertained, in general, opinions which were not diametrically opposed to their own. But was that the case with the hon. Gentleman and his Friends? The hon. Gentleman (Mr. M'Cullagh) held very strong opinions in favour of a free-trade policy, and was known to have declared these opinions in very eloquent language from the Manchester platforms; yet on a late occasion he gave the House to understand that the way in which the interests of that free-trade policy could be best promoted was by handing them over to the care of the hon. Member for Buckinghamshire, and into the hands of his party. The cases were entirely dissimilar; and whatever reasons the hon. Gentleman might have to defend his political course, or whatever might be his reasons for not supporting free trade as in former Sessions, he could find no excuse in the conduct of hon. Gentlemen this day who had endeavoured, though in a different manner from that in which they had hitherto done, to promote the cause they had sincerely at heart. With these observations, and leaving the question in the hands of the House, he should vote against the present proposition for the reasons he had formerly given.

Mr. DISRAELI said, that but for some observations which had been made by the right hon. Gentleman opposite, the Secretary at War, as to the conduct of hon. Members sitting on his (Mr. Disraeli's) side of the House, he should have been disposed to allow the question to go to a division without trespassing upon the attention of the House on this occasion. But the Secretary at War, with almost a convulsive effort to reconstruct a reform party, described those who sat on that (the Opposition) side of the House, as being banded against every species of Parliamentary reform. He (Mr. Disraeli) was rather at a loss to understand upon what authority the Secretary at War spoke. [Mr. F. Maule intimated his dissent.] The right hon. Gentleman had just informed him that he did not make use of the observation which he (Mr. Disraeli) had attributed to him, and which not having taken down, but trusting to his own memory, he must therefore recall. But he must remind the right hon. Gentleman, who, though he did not use the words he (Mr. Disraeli) had ascribed to him, unfortunately made an impression to the same effect, that when last year a measure for increasing the franchise of Ireland was introduced, hon. Members on his (Mr. Disraeli's) side of the House adopted the principle without even the slightest opposition. The right hon. Gentleman, with remarkable consistency, advocated the principle of the measure of the hon. Member for East Surrey, on the ground that it would tend to increase the franchise which was now enjoyed by the *50l.* tenancies in the counties. But the right hon. Gentleman might possibly remember that it was not from himself or his friends that that clause in the Reform Bill emanated. He was bound to say, when he heard the *50l.* tenants in the counties described as a class not worthy of the franchise, and yet that those who so described them were disposed to extend the franchise to a class of an inferior tenure, that it was his opinion that those who belonged to that respectable class had exercised the franchise in a manner creditable to themselves and advantageous to the country—inferior to none, not even to those who possessed the highest quality that entitled them to the franchise. When the Reform Bill was proposed, those who proposed it and supported it were in the habit of saying, that no sincere adhesion would ever be given to the Reform Bill by those who sat on the Opposition side of the House; and it was in vain for them to say when it became a law, that they would give it their sincere and complete adhesion. They have done so, and have proved their sincerity; and they have supported that settlement of the franchise ever since. Indeed, the authors of the Reform Bill declared that the qualification of men for the possession of official employment depended upon an adhesion to that measure. No man was ever to hold office, or to have a seat in Parliament, who was not a sincere Reformer; that is to say, who did not support "The Bill, the whole Bill, and nothing but the Bill." He appealed to every Gentleman who knew anything of the matter whether, though it was not a formal, yet whether it was not a virtual understanding that the Bill, when once passed, was to be regarded for a considerable period of time as the settlement of the great question of Parliamentary reform? As long as the political party who introduced that settlement upheld it, he doubted very much whether it would have been wise or politic to sanction any alteration. It would have led to discussions probably very fruitless of results, and only encouraging agitations prejudicial to the general interests of the community. But when not only the political party who introduced the Reform Bill, but the very statesman who framed, modelled, and ushered it into the House, gave up his own handiwork, he (Mr. Disraeli) held himself to be perfectly free to consider the question without reference to any antecedents as to whether he was opposed to the Bill in 1830 or not—without, in fact, any reference to the past—but with reference only to those considerations which concerned the public welfare. For his own part, he entirely protested against what was popularly understood as the principle of finality. All that he would pledge himself to do was to oppose any measure of Parliamentary reform which had for its object merely the retaining and confirming in power some political section. He had that confidence in the sense and spirit of the country, that if a measure were now to be brought forward which had that limited and partial object, he believed it would be universally scouted, instead of creating that enthusiasm which the hon. Gentlemen who sat on the Treasury benches seemed at the eleventh hour to anticipate. Upon that ground he should oppose any measure that might be brought forward flagrantly having that object in view. He should equally oppose any measure which seemed intended merely to displace the constitutional influence of that territorial preponderance which the hon. Gentleman referred to, and which he (Mr. Disraeli) believed to be the best security for their liberties, and the best means of retaining that confirmed and permanent character which the institutions and the history of this country presented.

Mr. W. O. STANLEY declared his confidence in the noble Lord, and would therefore vote against the second reading of the Bill, believing that the noble Lord would himself bring forward an efficient measure for the extension of the franchise.

Mr. LOCKE KING said many appeals had been made to him not to press the House to a division; but he begged leave to inform the House that the Bill was in their hands; and, although he was unwilling to take upon himself the responsibility of pressing the question to a division, yet, if hon. Gentlemen wished to do so, he of course should acquiesce.

The House divided:—Ayes 83; Noes 299: Majority 216:

List of the AYES.

Aglionby, H. A.
Alcock, T.
Anstey, T. C.
Barron, Sir H. W.
Bass, M. T.
Blake, M. J.
Bright, J.
Brown, H.
Chaplin, W. J.
Clay, J.
Clifford, H. M.
Cobden, R.
Copeland, Ald.
Corbally, M. E.
Cowan, C.
Crawford, W. S.
Devereux, J. T.
Divett, E.
Duke, Sir J.
Duncan, Visct.
Duncombe, T.
Evans, Sir De L.
Fox, W. J.
Gibson, rt. hon. T. M.
Granger, T. C.
Greene, J.
Grenfell, C. P.
Hall, Sir B.
Hardcastle, J. A.
Hastie, A.
Headlam, T. E.
Henry, A.
Heywood, J.
Heyworth, L.
Higgins, G. G. O.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Horsman, E.
Howard, P. H.
Keogh, W.
Kershaw, J.
Lawless, hon. C.
Lennard, T. B.
M'Cullagh, W. T.
Magan, W. H.
Maher, N. V.
Meagher, T.
Milner, W. M. E.
Moffatt, G.
Molesworth, Sir W.
Morris, D.
Mowatt, F.
Muntz, G. F.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir T.
O'Connell, J.
O'Connell, M. J.
O'Connor, F.
O'Flaherty, A.
Pechell, Sir G. B.
Pilkington, J.
Power, Dr.
Reynolds, J.
Sadleir, J.
Salwey, Col.
Scrope, G. P.
Scully, F.
Shafto, R. D.
Sidney, Ald.
Somers, J. P.
Staunton, Sir G. T.
Strickland, Sir G.
Sullivan, M.
Tenison, E. K.
Trelawny, J. S.
Wakley, T.
Wall, C. B.
Walmsley, Sir J.
Wawn, J. T.
Williams, J.
Williams, W.

TELLERS.

King, P. J. L.
Hume, J.

List of the NOES.

Acland, Sir T. D.
Adair, H. E.
Adair, R. A. S.
Adderley, C. B.
Anson, hon. Col.
Anson, Visct.
Arbuthnott, hon. H.
Arkwright, G.
Armstrong, Sir A.
Ashley, Lord
Bagge, W.
Bagot, hon. W.

Bagshaw, J.
Bailey, J.
Baillie, H. J.
Baines, rt. hon. M. T.
Baird, J.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Baring, rt. hon. Sir F. T.
Baring, T.
Barnard, E. G.
Barrington, Visct.
Barrow, W. H.
Bell, J.
Bellew, R. M.
Bennett, P.
Beresford, W.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernard, Visct.
Best, J.
Birch, Sir T. B.
Blair, S.
Blandford, Marq. of
Boldero, H. G.
Booth, Sir R. G.
Bowles, Adm.
Boyle, hon. Col.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Brooke, Sir A. B.
Brown, W.
Bruce, C. L. C.
Bruen, Col.
Buck, L. W.
Bulkeley, Sir R. B. W.
Buller, Sir J. Y.
Bunbury, E. H.
Burleigh, Lord
Burke, Sir T. J.
Butler, P. S.
Buxton, Sir E. N.
Campbell, hon. W. F.
Carew, W. H. P.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Cayley, E. S.
Charteris, hon. F.
Chatterton, Col.
Chichester, Lord J. L.
Childers, J. W.
Christopher, R. A.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Clive, H. B.
Cocks, T. S.
Coke, hon. E. K.
Coles, H. B.
Compton, H. C.
Cowper, hon. W. F.
Craig, Sir W. G.
Cubitt, W.
Dalrymple, Capt.
Damer, hon. Col.
Davies, D. A. S.
Deedes, W.
Denison, E.
Denison, J. E.
Dick, Q.
Disraeli, B.
Dod, J. W.
Dodd, G.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Dundas, Adm.
Dundas, G.
Dundas, rt. hon. Sir D.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Ebrington, Visct.
Edwards, H.
Egerton, W. T.
Ellice, rt. hon. E.
Ellice, E.
Emlyn, Visct.
Farrer, J.
Fellowes, E.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzpatrick, rt. hon. J. W.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Forbes, W.
Fordyce, A. D.
Forester, hon. G. C. W.
Forster, M.
Fortescue, C.
Freestun, Col.
French, F.
Frewen, C. H.
Fuller, A. E.
Galwey, Sir W. P.
Gaskell, J. M.
Gilpin, R. T.
Glyn, G. C.
Goddard, A. L.
Gooch, E. S.
Goold, W.
Gore, W. R. O.
Goulburn, rt. hon. H.
Greenall, G.
Greene, T.
Grenfall, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guernsey, Lord
Gwyn, H.
Hall, Col.
Hallyburton, Lord J. F.
Halsey, T. P.
Hamilton, Lord C.
Harris, R.
Hatchell, rt. hon. J.
Hawes, B.
Henley, J. W.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, R. C.
Hindley, C.
Hodgson, W. N.
Hope, A.
Howard, hon. E. G. G.
Hudson, G.
Inglis, Sir R. H.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knightley, Sir C.
Knox, Col.
Knox, hon. W. S.
Labouchere, rt. hon. H.
Lacy, H. C.
Langston, J. H.
Lawley, hon. B. R.
Legh, G. C.
Lemon, Sir C.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lewisham, Visct.
Lindsay, hon. Col.
Littleton, hon. E. R.
Lockhart, W.
Long, W.
Lopes, Sir R.
Loveden, P.
Lowther, H.
Lygon, hon. Gen.
Mackenzie, W. F.
Mackinnon, W. A.
Macnaghten, Sir E.
M'Neil, D.
Mahon, The O'Gorman
Mahon, Visct.
Manners, Lord G.
Marshall, J. G.
Matheson, Sir J.
Matheson, Col.
Maule, rt. hon. F.
Maunsell, T. P.
Maxwell, hon. J. P.
Melgund, Visct.
Meux, Sir H.
Miles, P. W. S.
Milnes, R. M.
Mitchell, T. A.
Moody, C. A.
Morgan, O.
Morison, Sir W.
Mulgrave, Earl of
Mullings, J. R.
Mundy, W.
Mure, Col.
Naas, Lord
Napier, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
Norreys, Sir D. J.
O'Brien, Sir L.
Ogle, S. C. H.
Ord, W.
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Paget, Lord A.
Paget, Lord C.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pigott, F.
Plumptre, J. P.
Ponsonby, hon. C. F. A.
Portal, M.
Price, Sir R.
Pugh, D.
Rawdon, Col.
Repton, G. W. J.
Ricardo, O.
Rice, E. R.
Rich, H.
Richards, R.
Romilly, Col.
Rumbold, C. E.
Rushout, Capt.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Sandars, G.
Sandars, J.
Scott, hon. F.
Seymour, H. D.
Seymour, Lord
Slaney, R. A.
Smyth, J. G.
Smollett, A.
Somerville, rt. hon. Sir W.
Sotheron, T. H. S.
Spearman, H. J.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Stanley, hon. W. O.
Stanton, W. H.
Stuart, Lord J.
Stuart, H.
Stuart, J.
Sturt, H. G.
Taylor, T. E.
Thompson, Col.
Tollemache, hon. F. J.
Tollemache, J.
Towneley, J.
Townley, R. G.
Townshend, Capt.
Traill, G.
Trevor, hon. T.
Tufnell, rt. hon. H.
Tyler, Sir G.
Vane, Lord H.
Verner, Sir W.
Villiers, Visct.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Wegg-Prosser, F. R.
Wellesley, Lord C.
Westhead, J. P. B.
Willcox, B. M.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wodehouse, E.
Wood, rt. hon. Sir C.
Worcester, Marq. of
Wrightson, W. B.
Wynn, H. W. W.
Wynn, Sir W. W.
Wyvill, M.
Yorke, hon. E. T.

TELLERS.

Hayter, W. G.
Hill, Lord M.

Motion made, and Question, "That the Bill be read a second time upon this day six months," put and *agreed to.*

AUDIT OF RAILWAY ACCOUNTS BILL.

Order for Second Reading read.

MR. LOCKE, in moving the Second Reading of the Bill, said the circumstances and transactions out of which the Bill arose were so notorious, that it would not be necessary for him to detain the House at any length. He thought the House would agree with him that the fact of that notoriety rendered it absolutely necessary that some legislation should take place on the subject. In the year 1848 a noble Lord in another place introduced a Bill for the establishment of a Railway Audit. That Bill passed the House of Lords, but was rejected when it came before the House of Commons. In 1849 the same noble Lord introduced another Bill, which likewise passed the House of Lords. That Bill was founded on the principle that railway proprietors were not able to manage their own concerns, and that it was necessary to place them under some external control. The railway interest then found it necessary to take some steps in regard to this measure, and they determined to resist the Bill. Accordingly a meeting of deputies from the various railway boards was held, at which a resolution was come to adverse to the proposition for the establishment of a Government board to investigate the accounts of railway companies. A deputation from that meeting waited on the noble Lord at the head of the Government, and if he (Mr. Locke) were correctly informed, the noble Lord stated that he was not anxious to interfere with the management of railway property or affairs, provided he had an assurance that a Bill would be brought in which would give satisfaction to the great body of railway shareholders. On that understanding the Bill then before the House was withdrawn, and the railway directors convened the different bodies of proprietors, with a view of ascertaining their sentiments. The result was, that they found an unanimous opinion to prevail amongst the proprietors against any Government interference, although there was great diversity of opinion with respect to the measure which would be satisfactory to them in regard to the audit of the accounts. In consequence of this difference of opinion, the directors did not think it necessary to proceed any further in the preparation of a Bill, and they left the matter in the hands of the shareholders themselves. The Government, therefore, finding that no Bill was forthcoming from the directors, introduced another Bill last Session, for the purpose of regulating railway audit. The railway shareholders had already deputed delegates from the largest railway companies in the kingdom—from the Great Western, the South Western, the North Western, the Great Northern, and other important companies, representing an interest of 120,000,000*l.*—to consider some measure; and he thought he might say that the measure now brought forward, having emanated from such a body, was entitled to be fairly and deliberately considered by the House. That measure was entrusted to Lord Stanley, and was introduced on the 11th of March. The two Bills were referred to a Committee, and the result was that the two were blended together. The Bill, as it came to that House, contained, with one exception, every clause of the Railway Shareholders Bill, but engrafted upon it were several other clauses which, though interfering less directly in the management of railway affairs, yet interfered with it sufficiently to make it liable to considerable objection. The consequence was, that several petitions were presented against Lord Stanley's Bill. Now, considering the circumstances under which this Bill was brought forward, he thought the railway shareholders, from whom the Bill emanated, were entitled to a more favourable consideration than they received from the hands of the Government. But that Bill also was withdrawn, and the shareholders were left at the end of last Session without any Bill. They met, however, and instructed him to move for leave to bring in the Bill which had been presented last year to the House of Lords by Lord Stanley. In pursuance of these instructions, he moved for and obtained leave to introduce the Bill of which he now moved the second reading. He hoped that it would not be maintained that men who had spent 120,000,000*l.* in great public enterprises were not fit to manage their own affairs. He admitted there were some differences of opinion as regarded the provisions of the Bill, but he hoped they might be so improved in Committee as to give satisfaction to all parties. They were fully considered by forty gentlemen who represented the railway interest, and having the best professional assistance, he felt satisfied that the provisions of the Bill would bear the fullest examination of the House.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. HEYWORTH seconded the Motion.

MR. LABOUCHERE said, that he did not rise to oppose the Motion of his hon. Friend; but, at the same time, he could not allow the Motion to pass without making a few observations upon the subject. He deeply felt the importance of having some efficient system of railway audit; but he could not disguise from himself, or from the House, that he was at variance with his hon. Friend as to the principle which he thought should animate the House on this subject. His opinion was, that do what they might, they would never enable the railway shareholders of this country to establish a real and effective control over the accounts in cases where the boards of directors were not trustworthy, or where they wished to deceive the public and the shareholders. He came, therefore, to the conclusion, that the audit of railway accounts should be founded on some principle beyond the railway companies. He thought that there should be an independent audit; he did not say a Government audit, for he agreed in the position that Government should not interfere in matters of this description. And he always most anxiously recommended the House to disentangle the Government from any such connexion. But he thought that the Bill of his hon. Friend, founded as it was on a different principle from that which he had stated, would not protect the shareholders or the public in those gross and flagrant cases where the board of directors were either dishonest or incapable, and where they desired to deceive the public and the company as to the real state and position of its affairs. And it was to be recollected that it was for these extreme cases they were bound to provide. He therefore would never be a party to the bringing forward of any measure for the establishment of a railway accounts audit which was not founded on something independent of the railway company itself. He was afraid that the present measure would be found to be a delusion—more plausible, perhaps, in appearance, than tha existing system—but which would not work in the way intended by his hon. Friend, and would not give the public or the shareholders any real protection in the supposed case of a fraudulent, incapable, or dishonest board of directors. He thought that there were some defects in the details of the Bill, which he would not then enter upon; but he might mention that the system of railway accounts which his hon. Friend proposed in the schedules was extremely defective, and in that respect the Bill differed from the measure introduced by Lord Stanley in the House of Lords. He thought that a system of accounts which there was no power of altering was a material objection to the Bill. Seeing the great jealousy which there was on the part of the railway interest to any interference with the management of their affairs, and knowing how difficult it would be for any Government to introduce and carry a measure founded on the principle he was prepared to adopt without their concurrence, he was not prepared to introduce a measure himself; but he should, indeed, with very ill grace, oppose the proposed scheme, for though it might not do all that was required, it was an improvement on the present system. He doubted, however, that the measure would be productive of any good results, and he trusted that when it came before the Committee, the Members of the House generally, and those interested in railways in particular, would narrowly scrutinise the provisions of a Bill which was of infinite importance, not only to the railway interest, but to the general interest of the country.

MR. HUME thought the Bill would have a different effect from what the right hon. Gentleman seemed to anticipate. He had not a railway share in the world, and he was therefore in a position to give a candid opinion.

MR. H. BROWN said, that he should move the addition of certain clauses in Committee and the omission of others, with a view of affording greater protection to proprietors.

MR. GLYNN said, that though he thought a great many of the scandalous transactions to which the right hon. Gentleman the President of the Board of Trade alluded, might have been sooner discovered or altogether avoided, if the existing powers intrusted to railway companies had been properly exercised, yet he begged to state, as the representative of a large railway interest, that they thought it their duty to avail themselves of a considerable portion of the Bill, and that they had brought it into action in the large concern to which he referred. He should vote for the second reading of the Bill. At the same time he wished to state, that he reserved to himself the right of objecting to several clauses as they now stood in the Bill. He considered that the efficiency of the measure was destroyed by the wording of some of the clauses. He supported the Bill, because it proceeded on a different principle from that which the right hon. Gentleman laid down as the proper one to be applied to the audit of railway accounts, He was greatly surprised when the right hon. Gentleman said, that in the measures he proposed he avoided the introduction of the principle of Government interference. He would appeal to hon. Gentlemen who attended to these matters, whether those Bills alluded to were founded on any other principle than that of Government interference in the details of railway concerns.

Bill read 2°, and *committed* for Wednesday 7th May.

The House adjourned at nine minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, April 3, 1851.

REFUSAL OF BURIAL RITES.

The DUKE of RICHMOND, in presenting a petition from the Town Council and City of Chichester, complaining of the conduct of the Vicar and Incumbent of the parish of St. Peter the Great, otherwise Subdeanery, in that city, for having refused to read the Burial Service over the body of Mr. Parsons, on the ground of his having been a Dissenting minister; and also for having declined to read the Burial Service over the remains of a woman who had destroyed herself, notwithstanding that the coroner's inquest had found that she did so when "lunatic and distracted"—said, he had felt it his duty to give notice of his intention to present this petition, because he was quite satisfied that their Lordships would feel that the subject deserved the serious consideration, not of the House only, but of every true well-wisher of the Church of England. In presenting this petition, he must say, for himself, that he had not been in any manner involved in the religious differences to which the petition had reference; neither had he mixed himself up in the slightest degree with any division which, unfortunately, had taken place in the Church of England: and, further, in presenting the petition, he disclaimed making any attack upon the rev. gentleman's respectability; because, from what he had heard of that gentleman previous to these transactions, he had always believed that he was a pious, good, and charitable man; and, while he was curate in the large parish of Horsham, in the western division of the county of Sussex, he had greatly promoted, out of his private means, the erection of churches and schools, and diffused a great deal of good in the neighbourhood. It was with great pain that he (the Duke of Richmond) felt himself impelled, by a sense of public duty, to arraign the conduct of a clergyman of the Established Church, and, more particularly, as he believed that gentleman to be honest and conscientious, though most deficient, in these transactions, of right and proper judgment. The facts of the case were these: A gentleman of the name of Parsons, who had for sixteen years been the respectable and respected minister of a dissenting congregation, known as Independents, purchased recently a small spot of ground in the churchyard of St. Peter the Great, in the city of Chichester. Of this gentleman's respectability there could be no doubt; he had been acquainted with him, and believed him to be as honest, conscientious, and upright as any man in the country. The wife of Mr. Parsons died, and she was buried in this spot of ground, the late incumbent reading the prayers. Mr. Parsons also died, after expressing a wish to be laid in the same grave with her; and a person, acting for the congregation, applied to the present incumbent for his consent to bury the body in the churchyard. The rev. gentleman said, he had no objection to its being buried in the churchyard; but he declined reading the Burial Service of the Church of England, because he was a separatist, and a teacher among separatists. Now, he (the Duke of Richmond) did not wish to misquote what the rev. gentleman stated; and, although their Lordships did not very much like listening to extracts from letters, it was desirable to listen to the words of the rev. gentleman, which would show that he was perfectly aware he was violating the law of the land. This was an extract from his letter:—

"I understand that the funeral of the late Mr. Parsons is to take place on Sunday next. You, no doubt, are well aware that every person, whether Churchman or Dissenter, is, of common right, entitled to be buried in the churchyard of the parish in which he lived and died. Every person also, except under certain circumstances, has a legal claim to the Burial Service being said at his grave. But, although every person has a legal claim, I cannot think that one who is a separatist, and especially a teacher among separatists, has any just claims to her services. That Dissenters have a legal claim, is, unfortunately, but too true. For those who, in time past, legislated for the consciences of Dissenters, overlooked the consciences of the clergy; and, whilst they let the one go free, they kept the other bound. It is on the ground that Dissenters have no just claim to the services of the Church, that I feel compelled to refuse the use of the Burial Service at the grave of the deceased."

He begged their Lordships to remark what followed:—

> "I am perfectly aware to what I am subjecting myself, and the odium, if not penalties, I shall incur. But, until some such stand is made, and made at all risks, nothing will be done, but the consciences of the clergy will continue to be aggrieved; or rather they themselves will be treated, as they have long been treated, as having no conscience at all."

He (the Duke of Richmond) hoped and believed there were not many clergymen who would deliberately give as a reason for disobeying the law of the land, that if they did not disobey it there would be no chance of getting that law altered. He could conceive nothing more dangerous than that a respectable gentleman, of high education, should hold and maintain such an opinion as that. He had always felt that if any clergyman, or any man, be he who he might, could not, according to his conscience, perform the duties of the office which he had undertaken, and which the law desired and ordered him to do, that he ought to resign the situation, and not violate his conscience, or otherwise violate the law. Upon the receipt of this letter from the rev. gentleman, the person who represented the executor of Mr. Parsons wrote to the Lord Bishop of the diocese; and when he read the letter which the Bishop sent in reply, he was sure their Lordships would see how well it became the right rev. Prelate, and every Christian and truly charitable spirit. That letter had done much to allay the great ferment and excitement which arose on these events becoming known:—

> "About five o'clock this afternoon I heard, for the first time, of Mr. Parsons' death, and of Mr. Kenrick's declared intention of refusing to read our funeral service at the interment of the corpse. Assuming the late Mr. Parsons to have been baptized, a fact I have never heard questioned, there can be no doubt that Mr. Kenrick is mistaken in his view of his duty. I have written to him, in the hope of convincing him of this. My letter is nearly copied; and, probably, by the time you receive this, it will be in Mr. Kenrick's hands. I shall trust it will have the effect for which it is designed, and that you, and the other friends of the deceased, will be spared the pain which at present I have reason to apprehend."

This letter had no effect on the rev. gentleman, and the result was, that Mr. Parsons was buried within the Dissenters' chapel. He (the Duke of Richmond) anticipated he should be met with the objection, why did not the friends of the deceased go into the Ecclesiastical Court? His answer to that was, that it was expensive, and there must be some delay. The body must be buried, and the great object of going to the court would be lost, because the relatives would not have the satisfaction of having had the burial service read, and the clergyman would be only suspended. But in this case it must be fairly admitted that the expense was not a matter of consideration, as every man in the city of Chichester, and every country gentleman in the neighbourhood, would have subscribed for the purpose of defraying the expense of bringing the case before the ecclesiastical tribunal. They did not take all the steps which the law required; they acted upon the answer of the incumbent; but being a penal clause, they did not do all—they ought to have taken the body to the churchyard, and thus offered a *locus penitentiæ*, and if the clergyman had refused, he would then have been liable to suspension for three months. But they did not do this. It would be carrying things to a point when it would be very dangerous to trifle with the feelings of the people. There was a strong feeling among the inhabitants of towns and cities on the subject of the burial service, more, perhaps, than among the Army and Navy, the members of which had often seen their best friends disposed of without any burial service at all. That feeling on the burial service sprung from a good feeling, and a clergyman should not be allowed to violate this feeling, because it would not only destroy the efficiency of the clergy, but if the people thought nothing of the burial service, they would begin to think nothing of the services of the Church. This gentleman, Mr. Parsons, was baptized, and it was declared in the petition of the Town Council of Chichester that the incumbent said he would not bury members not of the Established Church. Since the petition had been got up, the rev. gentleman said he did not particularly pledge himself not to bury a Dissenter; but not to bury any teacher among Dissenters; or, in other words, that all Wesleyan ministers, or ministers of any other persuasion throughout the country, were to be refused having the burial service read over them. He (the noble Duke) would now allude to the second case in the petition. A young woman, named Mary Rogers, was, five years ago, delivered of an illegitimate child, which was taken care of by her mother, and she herself entered the service of a most respectable gentleman, well known to his right rev. Friend opposite (the Bishop of Chichester), and she bore a good character. Unfortunately she left one day to go and see her child; she was seen walking towards the canal, and nothing was heard of her until seven days afterwards, when she was found in the canal. The usual course of proceeding was adopted. The coroner summoned a jury, before whom evidence was brought, and they pronounced a verdict that she drowned herself, being lunatic and distracted. The coroner signed his permission and warrant for the burial, and the document was taken to the incumbent. He took time to consider, desiring the relations to come again in the afternoon. When they did come, he said he had reason to believe she had drowned herself, and that she was not distracted or lunatic; and that he should not read the burial service. The result was, that the body was buried without any burial service being read at all. Was the rev. gentleman present at the inquest? Did he hear the witnesses examined before one of the oldest judicial bodies in the country? No! He said he cared not for coroners' inquests; he had heard no evidence; he cared nothing about it; he thought deceased destroyed herself when she was quite sane; and he would not read the burial service over her. But the coroner's inquest was a *primâ facie* proof of the person being lunatic, and surely the clergyman was not to go about to gather the scandal of the parish. It had come out since that the verdict of the jury was a legitimate expression of the tendency of the evidence, by which it appeared the young woman had been dejected and low spirited some time before her death. He deeply regretted the entire want of judgment which had been shown by the rev. gentleman on these occasions, and the unhappy effect such proceedings would have on the feelings of the people, if the body of a Dissenting minister, who had preached to a congregation every day for the last sixteen years, was taken to the grave, and the clergyman refused to read the burial service—if such a transaction occurred in some of the large towns over which he had the honour of presiding as lord lieutenant, he should deeply deplore, but he should not be surprised at a disturbance of the peace, and at the mob showing a violence which he should not approve, but endeavour to repress. It might be said that in this case it was a matter of conscience, and that the rev. gentleman was the best judge of what he ought to do. He could only say, that if there was any reason why he could not conscientiously discharge a duty which the State required of all magistrates to discharge, he would request the Lord Chancellor to erase his name from the commission, as he could no longer perform duties which he had sworn to perform. When this gentleman was appointed to this living he held in Chichester, he was aware of the duties which he would be called upon to perform. Far better would it have been to have refused to accept the living than to discover afterwards that his conscience did not permit him to perform them; but having discovered that he could not perform them, he was bound to resign the preferment he had accepted with these duties attached.

The BISHOP of CHICHESTER said, it was with pain, almost with intense pain, that he rose to make some remarks, which their Lordships had a right to expect from him on this occasion. He was grateful to the noble Duke for the testimony he had borne to the high character and respectability of the reverend gentleman. He was grateful also to him for the moderation with which—all the circumstances of the two cases considered—he had stated them to their Lordships, and with which he had supported the views he entertained. He (the Bishop of Chichester) was quite sure this gentleman had acted on strong conscientious motives, and no one would doubt it after what the noble Duke had said concerning him. The reverend gentleman was a man of irreproachable character and most benevolent feelings. He practised charity at great personal sacrifices; and during several years that he was a curate, as their Lordships had been already told, he was greatly instrumental in the erection of new churches, in the foundation of schools, and at his own expense he had built almshouses for poor people. When he stated these facts concerning the rev. gentleman, it would be admitted that he was not one likely to act upon any other views than those he conscientiously believed to be right, however mistaken those views might be. He (the Bishop of Chichester) lamented most deeply that he did take such views of the line of conduct incumbent upon him on this occasion. With reference to one part of the case as stated by the noble Duke, he believed it was well known that the rev. gentleman regarded Dissenters in such a way, that he would decline reading the burial service over them—that it was well known to those who applied to him, he would decline reading the service over this Dissenting minister. But he (the Bishop of Chichester) could state the additional fact, that within a short time the incumbent had read the burial service at the graves of six or seven Dissenters, and he had not heard any complaint on the part of the inhabitants of Chichester that he had since refused to read the burial service over any Dissenter. He had stated that he deeply regretted the conduct of the rev. gentleman; he had spoken of the conscientious ground upon which the rev. gentleman would vindicate it; but he begged to say he had no sympathy in the defence which he had attempted to establish for himself. On the contrary, he had always considered it as a most happy circumstance, that when Dissent first began to manifest itself in this kingdom, Dissenters were content with erecting a place of worship in which Divine Service might be performed according to the tenets they professed, and still continued to bury their dead in the graveyards surrounding the churches where their ancestors had worshipped. When families had unfortunately fallen into dissent, those ties had sometimes a powerful effect at the burial of a member where their fathers had worshipped, and different generations had been entombed. That effect was a most fortunate circumstance for the Church, the returning from the principles of dissent to the Church of England being strongly facilitated thereby. He could not but think that the individual conscience of a clergyman ought not to counteract that wish on the part of Dissenters, and he represented that opinion to this very gentleman; but, notwithstanding, he felt bound to persevere. He (the Bishop of Chichester) represented that he would be violating the law of the country and the canons and laws of the Church, and that it was not for an individual clergyman to set himself in opposition to these laws by a self-willed action, even if he thought that some one should stand forward in defence of a principle, but that he should submit to the regulations of the Church, and consider the way in which the Church regarded her ministers. When they reverted to the consideration of the directions of the Church, they found it was directed that the clergyman should read the burial service, after notice, over every dead person, unless he should find that the deceased person had not been baptized, or had died excommunicate, or had laid violent hands upon himself. Neither of those exceptions bore on the case of the gentleman in question. Admitting the exception that he was entirely wrong upon his religious tenets, he (the Bishop of Chichester) believed him to have been one of the most respectable and most respected among the inhabitants of the city in which his family lived. Nevertheless, with regard to him, this rev. gentleman declared his intention to refuse to read the burial service. He only wished, that instead of taking that view of his duty, he had adopted that which he (the Bishop of Chichester) recommended. There were many other cases in which the clergy of the Church of England were called upon to read the burial service, when he could well understand their consciences would be deeply pained. When the deceased was brought to his end at the moment of the commission of a crime, or when in a state of intoxication, it was certainly clear that a minister would be placed in a most difficult situation. Their Lordships would bear in mind the words of the burial service:—"Forasmuch as it hath pleased Almighty God, of his great mercy, to take unto himself the soul of our dear brother, or dear sister, departed;" and then the minister had to go on and declare, "the sure and certain hope of the resurrection to eternal life." He could understand how the consciences of the ministers must be sorely taxed to use those words at the grave of every one, however much a sinner, however certain he might be that to the individual, under the circumstances, it was awful to apply those words. He hoped and trusted it would not be supposed he justified the conduct of the gentleman on this occasion; but he ventured to make the remarks incidentally, that their Lordships might view his conduct with forbearance and consideration. With regard to the case of the young woman who destroyed herself, he had always felt, and whenever the question had been put he had represented to the clergy, how was it possible, or how was it at all right, that they should venture to give an individual opinion? What means had they of inquiring into the state of mind of the person deceased? How could they call evidence? The only authority upon which they could rely was the legal and constitutional tribunal for taking inquests, and therefore the verdict of a coroner's jury was good in every case, and ought to guide the conduct of the clergyman, as much as that of any other subject of the realm, or rather more so, for it was his duty to inculcate obedience of the law, and to advance that which in morality and religion was right. Whilst saying that, he felt it his duty to represent to their Lordships many complaints of the clergy on this matter, without intending any disrespect or imputing to coroners or coroners' juries forgetfulness of their duties. It was stated that there was something like a general feeling gaining ground that coroners' juries were somewhat lax—somewhat inclined to take, not the view which the evidence thrust upon them of the sanity or insanity of the person who destroyed himself or herself, but to decide without evidence on a verdict which authorised interment with the rites and ceremonies of the Church over their bodies. He feared there was a too-prevalent impression among a certain class in life, that the mere fact of a person having taken the control of his own existence into his own hands, and flinging it back in the face of the Creator, justified a verdict of insanity. He deplored that persons who were called upon to exercise so solemn a duty as that which was imposed upon coroners' juries, should be actuated by that feeling rather than by what might appear by the evidence. Such an argument clearly went to justify a grievous crime; and, in proportion to the enormity of the crime, might it be more strongly contended that it was impossible to commit the crime of self-murder without the person being at the same time insane. In such instances the clergyman was called upon to say, "It hath pleased Almighty God to take unto himself the soul of our dear brother departed," when the act of the individual had rebelled against that Almighty will. It was a most trying position for a minister of the gospel; but he did not justify the minister here. If the verdict was recklessly given, whose sin was it? It was not the sin of the minister, it became the sin of those who required him to read the service. There was one further remark which he wished to make. The petition comprised two cases. It was an accidental circumstance that it did so. It must not be supposed that one case occurred some long time ago, and the provocation of the second forced the conviction that it was high time to appeal to the Legislature. It was an accident. The two cases came close together, with only an interval of two or three days, so that the interment of the Dissenting minister, and of the unfortunate woman, occurred within three days of each other. He had not endeavoured to defend or extenuate the rev. gentleman, but to present considerations showing the difficult positions in which the clergy were sometimes placed; and that it was not so much to be wondered at if their judgments were occasionally overpowered. He would add that he hoped, with reference to the present gentleman, that upon more mature consideration he would be led to the conviction that such a line of conduct was not one which he could either justify, or which would render his ministry effectual for the Church.

The BISHOP of LONDON observed, solely in reference to the remark of the noble Duke upon the ecclesiastical courts, that it was his full purpose to have introduced a Bill for amending the laws with respect to the proceedings against clerks. Duly considering the present state of public business and of public feeling, he had thought it more prudent to abstain during the present Session from introducing any measure upon that subject. It was, however, too important to be laid aside, or delayed much longer, the inconveniences of delay and expense of proceedings in the ecclesiastical courts being such as to cause great evils. In connexion with another subject, with reference to which he introduced a separate measure last Session, which did not receive that favour which he had hoped it would have met with, he wished to state that while it was his full intention in the course of another Session to introduce a measure relating to proceedings for the correction of clerks, after due deliberation, and after consulting the opinions of those whom he ought to consult, it was also his intention to introduce a Bill for the establishment of a tribunal to determine ultimately questions relating to the Church.

LORD BROUGHAM bore his testimony to the most defective state of the law with respect to the correction of clerks. He alluded specially to facts unfortunately too well known, that for doing his duty, and nothing more nor less than his duty, a right rev. Prelate, not now present, was severely mulcted in sums by costs which the offending clerk was not able to pay. There was another case very well known, of the right rev. Prelate (the Bishop of London) having had to pay several thousand pounds not for exceeding, not for falling short, but for doing that which it was his bounden duty to do. He knew other cases, equally glaring, which proved the necessity for some alteration in the law.

The Bishop of EXETER wished to say one word. He thought the noble Duke had spoken on this subject with great discretion when he said that a coroner's inquest was *primâ facie* ground for supposing that the party had really died in a state of lunacy. He rejoiced that the noble Duke had so stated it, and that he did not say that such a verdict must be held as absolutely conclusive. That, he apprehended, was, in point of fact, the whole legal effect of a coroner's jury, and that proceedings in law might be taken in such a case, after, and even in spite of, such a verdict. He apprehended, for instance, that when a party died by his own hand, and a coroner's jury found a verdict of lunacy, that would not prevent an Insurance Office from resisting payment of the sum which that party might have insured; and he believed that cases of that nature were on record. That showed that the verdict of a coroner's jury was only *primâ facie* evidence, as the noble Duke had said. If then it was only to be taken as a *primâ facie* ground of belief, he apprehended that common justice said, before they pronounced sentence upon this party—though, in fact, they were not pronouncing sentence—it was most important that the whole circumstances of the case should be before them. He was well aware that it was felt to be most undesirable on all sides to give an opinion on the question, which was not, strictly speaking, before the House; but still it would be brought before the country; it would be discussed to-morrow morning in every newspaper in London, and the clergyman in question would be accused as if the House of Lords had decided that he was bound to bury a party who had destroyed herself, because the coroner's inquest had brought in a verdict of lunacy. If the clergyman had a doubt—the noble Duke spoke as if in this case there was no reason for doubt, and if there were none he would concur in condemning the conduct of the clergyman in refusing to bury her—but if he had good reason for believing that the party died by her own act in a sane state, then he would be justified perhaps—at least it was a question for the proper tribunals whether he would be justified or not—in withholding the rites of burial. In saying this he was speaking not his own sentiments only, but the sentiments of one of the best, the most pious, and not the least learned or able bishops that ever had adorned this country—he was speaking the sentiments of no less a man than the late Bishop Wilson, Bishop of Sodor and Man. In one of his charges to the clergy of the diocese of Man, he particularly warned them on this subject. That venerable Prelate said that there were several instances of self-destruction that had happened of late, in which the coroners' juries had brought in a verdict of lunacy; and when there was no evidence that showed the contrary, or that tended to excite a strong presumption to the contrary, that might be sufficient; but whenever they had a good reason to believe that the case was otherwise, he advised them to set aside all respect to such verdict, and if they were satisfied on sufficient grounds that the party had died in a sane state, to refuse the rites of burial. He stated that, because he thought it highly important that clergymen should not suppose that they were prevented from taking that course by an *obiter* discussion on that question in the House. He intentionally abstained from entering into the particular merits of this particular case, as all he wished to be understood was, that if a clergyman had any good ground for believing that a party had destroyed himself in a sane state, it might be his duty to refuse Christian burial.

Petition read and ordered to lie on the table.

COUNTY COURTS FURTHER EXTENSION BILL.

Order of the Day for the House to be put into Committee (on recommitment) read.

The LORD CHANCELLOR said, he had several objections to make to the Bill in its present form, as he believed that the law did not require the alterations which the Bill proposed to make. The first series of clauses provided that if parties should agree to try any matter, whether in law or equity, before a Judge of the

County Courts, the Judge should be empowered to hear the cause. Now, in the first place, he would be glad to know, before they proceeded to impose any further obligations on the County Court Judges, how far their time was occupied by their present duties; and he thought such an inquiry was the more necessary since the Legislature had extended the jurisdiction of these courts to 50*l.* There was another clause in the same series which gave parties the power, if they agreed, to have any matter, however special, tried before these Judges, by way of reference. Now, as this clause stood at present, the effect of it would be, under the pretext of facilitating arbitration, to give the Judges of County Courts power, with consent of parties, to try any cause whatever. No matter how important or complicated the question, the multitude of witnesses, the contradictory nature of the evidence, the question might be tried and settled by one of these Judges of the County Courts. He saw no reason for these clauses relating to arbitration, however they might be guarded from the consequences he had alluded to. The law had already given every facility for arbitration, and there was no necessity for these new enactments. The next series of clauses related to the establishment of Courts of Reconcilement. He had a great respect for the experience of his noble and learned Friend, but he must own it did not appear that these courts were suited to the genius and habits of the people of this country. It was proposed in these enactments that if one party proposed to be reconciled to another in respect of any matter in dispute, he must summon the opposing party before the Judge of Reconcilement, which party must then give notice whether he meant to appear or not. If he gave notice that he would appear, and did not, he would be liable to the costs. If he did appear, the parties were then to go without attorney or adviser of any kind before the Judge, and state before him their respective differences; and if the Judge was not able to reconcile them, a certificate was to be given to that effect, and then the case was to be tried before another tribunal. Now he did not see what end such a proceeding was to serve, except in enabling a cunning party to get a knowledge of his opponent's case—to see what evidence he had to bring forward, and how it might be best met; after which nothing would be easier than to find out some reason for not being reconciled, and then going to law. But did the people of this country require a Court of Reconcilement? He was satisfied they did not. The utmost that could be said for such a measure was, that it would do no harm; but he did not think the dignity of the Legislature was best consulted by enacting laws which were to be of no practical use. He did not think there was any difficulty in people becoming reconciled, if they had a disposition to be reconciled; and he certainly did not think that the present state of society in this country required such laws as these. The next series of clauses dealt with equitable rights, and he must say it did not occur to him that it was desirable to graft the proceedings of the Courts of Equity upon the practice of these Courts. All that was practicable in these clauses, appeared to him to be already provided for in the existing Act, 9 & 10 Vict. ch. 95, which provided that anything in a case which was incidental to equity practice might be done by the Judge of the County Court, under the authority of the Master in Chancery, and subject to all the rules and regulations which applied to the officers of that Court. If more than this were required, it would be better to introduce it as part of a general system, rather than in this incidental manner. There was another clause which provided that a clerk to an attorney, of six months' standing, might appear in these courts and advocate the cause of his client. Now he would appeal to his noble and learned Friend, whether it would be possible to enact a greater nuisance than this clause threatened to be? It was constantly happening that certain parties who were not attorneys, but who pretended to be clerks of attorneys, and who allowed a low grade of attorneys a portion of their earnings for the use of their names, haunted the criminal courts, and produced mischief which it was hardly possible for his noble and learned Friend to conceive. Their Lordships could not fail to have read several cases mentioned in the newspapers of prisoners being brought to the bar of a criminal court, looking about for a counsel to defend them, but finding none; and when the case came to be afterwards inquired into, it was found that they had been deceived by persons who pretended to be clerks of attorneys, and who had engaged to provide counsel for them, and after squeezing as much as they could out of the poor creatures or their families, in order to fee a counsel, had left them to take care of themselves. Besides, in the course of civil actions, the most nefarious practices frequently took place from the same cause. Of all the evils which they were bound to repress, and to punish with severity, he thought this was the most crying; but he feared the present clause would rather encourage the nuisance. What sort of a case must that be about which a man would go to an attorney, and which a six-months' clerk of the attorney would be sufficient to defend? A man went to an attorney in the hope of getting the benefit of his experience, but if he only obtained the services of a six-months' clerk, he did not think that would much benefit him. He therefore hoped, on all these grounds, that his noble and learned Friend would reconsider this clause with a view to strike it out of the Bill. There was another clause to which he had a strong objection, in fact producing a total alteration in the present law—he meant the clause relating to the recovery of the tithe rent-charge, which, from some influence or other, had been very adroitly palmed off upon his noble and learned Friend, and by him inserted in the Bill. At present the power of recovering the tithe commutation rent was by distress on the premises; but unless there was property on the premises there could be no remedy—the consequence of which was, that if a farm was unproductive, if it produced no titheable articles, then the tithe-owner had no remedy. But, on the ground that some clergymen had a delicacy in enforcing the law of distress, a clause was introduced into this Bill which would give the clergyman power to summon the occupier of the farm into the County Court, and, failing to pay, he would be sent to prison. Now, this was altering the entire law upon the subject of tithes, and it was not even pretended that any amount of tithe was lost under the existing law, but simply that it hurt the feelings of some clergymen to proceed by way of distress. He was satisfied that the attention of his noble and learned Friend had not been called to the present state of the law on this subject, or he never would have sanctioned such a course. He concluded by moving that the Bill be recommitted for this day six months.

Lord BROUGHAM thought he had a great right to complain of the course which his noble and learned Friend had taken. If he had given him the slightest indication —the remotest hint—he would not have brought forward the Bill at that time, but would have postponed it till to-morrow. There was not one single objection which his noble Friend had stated to these clauses which was not one of detail, and which might not have been taken in Committee; and, however inconvenient to himself and to their Lordships, he was now driven to follow every one of the arguments—as he thought, inconclusive arguments — which the noble Lord had urged against the Bill. And with reference to the equity clauses, his noble and learned Friend said, "What is the use of these clauses, since they are all contained in the 27th section of the Act of 1846?" Now he would show that his noble and learned Friend was entirely and absolutely mistaken, and that the mistake was as great as it was possible for any person to commit upon the subject. These equity clauses were not now proposed for the first time; they were in the Bill of 1833. That Bill underwent a most full and deliberate discussion. These clauses were canvassed, altered, amended, and varied; and when the Bill was ultimately thrown out, they were lost with it. When Lord Cottenham adopted Lord Lyndhurst's Act of 1846, upon the retirement from office of that noble Lord, he found the equity clauses were not in the Act. He was so pressed by the noble Lord the Master of the Rolls to insert them, that, after some hesitation, he yielded, and these were the clauses which Lord Cottenham agreed to. His noble and learned Friend, who had been for fifteen years a Judge of that Court, and twenty-five years a practitioner in it, was so impressed with the necessity for their adoption, that he came down here the other night to support them. Owing to the inconvenient course adopted by his noble Friend on the woolsack, he was deprived of his assistance.

The LORD CHANCELLOR was very sorry to occasion any inconvenience to the noble Lord. He did not mean to act unfairly by him, in withholding notice of his opposition. What he now wished to propose was, that, if it suited the noble and learned Lord better, he would withdraw his Motion, and take the discussion upon the third reading. He did not wish to take the noble Lord by surprise.

Lord BROUGHAM never meant to complain of any intentional unfairness. If the noble Lord had done anything like unfairness, it would have been the first he had ever known him to have done so during a very long intercourse of years. The noble

Lord was equally wrong in saying that he had taken him by surprise. All he complained of was, the inconvenience of the course adopted. He could not now refrain from saying something. The conduct of the noble Lord forced him to make some statement of the facts. He should not occupy, however, much time. He would deal with the cargo—he said it with all respect—of his noble Friend's arguments by way of sample; he would not break bulk by doing more; and only dealing with them in this manner, he would show how very incorrectly, how absolutely without foundation, how entirely futile, the objections of his noble Friend were. With respect to these equity clauses, he had already stated that his noble Friend the Master of the Rolls came down the other night to bear his testimony to their value. He had told him what passed in the year 1846; he stated how desirous he was that they should be inserted: how, after great delay and trouble, these clauses were selected out of a number of others, as the only ones which Lord Cottenham would adopt and approve of. And these were the clauses which were now before their Lordships, which his noble and learned Friend designated as being unapproved of and unsanctioned. This would be something to show the gross error, the very gross error, which the noble Lord on the woolsack had fallen into—a gross error which it was more extraordinary should have been committed by his noble Friend—though perhaps he should say the less extraordinary—considering the short time the noble Lord had been in the Court of Chancery—long might he there flourish, that it might benefit from his talents, learning, and his unexampled assiduity!—but considering the short time he had been in that Court, the noble Lord had not been enabled to see the advantages of these clauses, or the greatness of the error he had committed in opposing them. One thing, he was sure, would be admitted, that Lord Cottenham understood that Court, and that forty years' practice had acquainted him with the practice of that Court. Lord Langdale pressed upon Lord Cottenham the adoption of these equitable clauses in the Bill of 1833. By the ultimate rejection of that Bill they were lost; and they were now again before the House. Lord Langdale could only obtain the consent of Lord Cottenham to a very small portion of the clauses he proposed; and it was to that portion for which his assent was obtained, that he now directed

Lord Brougham

the attention of the House. When the noble Lord on the woolsack said that these equity clauses were contained in the 26th section, he, on the contrary, said they were not. There was nothing like them in that section; there was only one small infinitesimal portion of them contained in it. The object of these equity clauses was to give to the County Court Judges the same powers as were now vested in the hands of the Masters of the Court of Chancery. Nothing was clearer, and all those who knew anything of the Court of Chancery, admitted that those clauses were an improvement on the practice of that Court. They were most carefully prepared—the noble and learned Lord shakes his head—but he could assure him that these clauses were most carefully prepared, and were not the undigested suggestions of different parties thrown together in a heap. They were carefully prepared first in 1833; then they went through the Committee of the same year, where they had the benefit of the alterations and amendments of Lords Eldon and Lyndhurst. Since that period they had undergone further revision. They had been before the Equity practitioners here; they had been before Masters in Chancery who had made in them improvements and amendments. He himself, as well as his noble and learned Friend the Master of the Rolls, gave them further revision; and he even thought that his noble and learned Friend opposite (Lord Cranworth) had seen them. Practical suggestions had been adopted, and there was no doubt that the Bill was now improved by being rendered more compendious. He had communication with all the County Court Judges. He had received their suggestions, as it was his bounden duty to do, and he had added several clauses to the Bill, profiting by their experience in the actual working of the County Court system. Then, with regard to permitting a tithe rent-charge to be a ground of summons before a County Court Judge. It is a very hard thing that the parson should be obliged to go without his tithe, or to have recourse to restraint; the consequence of this state of things is, that the parson not unfrequently is defrauded by the dishonest man. The noble and learned Lord said that there was no ground for a distress for tithes if there was no titheable matter on the ground; so that this provision would alter the whole law. That was certainly a very curious objection and a curious doctrine. What tithe is produced by a horse, by chairs and tables, by carts or household furniture, and yet they were all subject to distress for non-payment of tithe. It was, therefore, vain to produce such an argument; and there was no harm in giving a right to the titheowner to recover his tithes, which, he had heard, were better paid to the lay impropriator than to the parson. With reference to the Courts of Arbitration, the noble and learned Lord did not take the same view as he did. The course at present respecting arbitration is this: after all the expenses of a contest in a court of law have been incurred, and when the matter has come into Court, it is then found that the dispute is one which cannot be settled in public; perhaps it is a matter of account, and the parties are forced, are compelled to go before an arbitrator. What follows? The expenses have all been already incurred. The arbitrator is careless about the matter, because he is paid by the sitting, so are the attorneys and solicitors, because they have an interest in delaying the proceedings. The case is adjourned from day to day; no one is interested in arriving at the issue, save the parties themselves, and a long period elapses before a result is arrived at. Every one was aware that if they appointed a paid arbitrator, a gentleman of abilities and learning, things would be managed in a much more satisfactory manner. As to the Courts of Reconcilement, the noble and learned Lord thought it was a mere visionary scheme, and that there was nothing practical in it. Why, it is the practice of more than one-half of Europe. He had received that very day, in addition to the letters which he had already read to their Lordships, the testimony of a learned gentleman of great authority, who was connected with the Government of the late lamented King of the French. That learned person gave additional testimony to the great benefits which were received in France from the establishment of these courts. He states that more than one-half the cases which go before the Judges of the Courts of Reconcilement are settled by the Judge. In France no person is bound to tell his case, under such circumstances as could possibly give an opponent the slightest advantage; neither would he be in this country. But would it not be advisable for a Judge to say, "You have no defence, or you have no case," after hearing the parties—if the facts warranted such a conclusion? The advice thus given would be acted upon, and a vast amount of litigation would be put an end to. With respect to the optional jurisdiction clauses, the objection to the inconvenience of bringing witnesses from a remote distance equally prevailed at present. As the law now stood, if the action was not local, but transitory, you may bring your action anywhere you please; and it was constantly the practice to try a case in London, where the witnesses have been brought from Cornwall. He should abstain upon the present occasion from further comment on the objections urged against the measure, only observing that there was not one of those objections which he was not prepared to meet, and to give to each and every one of them a perfectly satisfactory answer. One word more before he sat down. That portion of the Bill respecting the practising of clerks was inserted from this reason. Respectable solicitors and attorneys would not attend these courts; the result was that the business would fall into the hands of an inferior class of practitioners, and it was thought that if solicitors were enabled to send a managing clerk, they would have a check and control over the class of men who sought to appear before the court as agents. He would most willingly bow to the decision of their Lordships with reference to the measure; though should they reject the improvements of the law which it contained, he should regret the circumstance as one highly detrimental to the public interests. The Motion of his noble and learned Friend might have the effect of preventing for the present the public from receiving the beneficial effects of this measure. He would console himself, however, by the words of Lord Bacon, which had been adopted by Coke, "No good proposal for the amendment of the law is altogether lost." Whatever might be the delay in its adoption, whatever opposition it might meet with, whether from prejudice, or ignorance, or indeed from both, nevertheless in the end it is sure to produce its appointed frnit in good season. It may have been delayed to the injury of the community and to the benefit of that class whose benefit they ought never to consult—the benefit of the unjust debtor, creditor, or lawyer, whose interest it is to keep the law in its imperfect state. It was a fact that 500,000 cases had been determined by the County Court Act, 490,000 of which would never have been tried but for the beneficial effects of that Act, and the noble and learned Lord might now deprive the public of the further beneficial effects of the present Act; but he might rely upon it that when they were both passed away, the principle for which he (Lord Brougham) now contended would be received and adopted.

The LORD CHANCELLOR: After the very strong speech of my noble Friend, various parts of which were very strong indeed, although I cannot say that the arguments were strong, I beg leave to withdraw my Motion, and move that the Bill be recommitted, with a view to have the Amendments printed.

LORD BROUGHAM proposed that the Bill should be committed *pro formâ*, in order to introduce the Amendments he had to propose, and which were rather numerous, owing to the many suggestions he had received from the learned Judges and others. For instance, he intended to omit the clause allowing two Judges on circuit to sit as Judges under the provisions of this Bill. If the Bill went into Committee *pro formâ*, these Amendments could be made, and the Bill, as amended, be printed by the time it came to be discussed again.

The LORD CHANCELLOR said, he thought the course suggested by his noble and learned Friend was the most convenient.

The said Amendment was (by leave of the House) *withdrawn.* Then the original Motion was *agreed to.* House in Committee accordingly (on Re-commitment); further Amendments made: the Report thereof to be received To-morrow.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, April 3, 1851.

MINUTES.] NEW WRIT. — For Aylesbury, *v.* Frederic Calvert, Esq., void Election.

NEW MEMBERS SWORN.—For Davenport, Sir John Romilly; for Southampton, Sir Alex. James Edward Cockburn

PUBLIC BILLS. — 1ª Charitable Institutions Notices; Landlord and Tenant; Audit of Railway Accounts (No. 2).

2ª Apprentices to Sea Service (Ireland); General Board of Health; Process and Practice (Ireland).

3ª Marine Mutiny; Mutiny.

AYLESBURY ELECTION.

MR. G. A. HAMILTON brought up the Report of the Committee appointed in this case.

House informed, that the Committee had determined—

> "That Frederic Calvert, Esquire, is not duly elected a Burgess to serve in this present Parliament for the Borough and Hundreds of Aylesbury.
>
> "That the last Election for the said Borough and Hundreds is a void Election."

To be entered in the Journals.

House further informed, that the Committee had come to the following Resolutions:—

> "That Frederic Calvert was, by his agents, guilty of treating at the last Election for the said Borough and Hundreds.
>
> "That it was not proved to the Committee that these acts of treating were committed with the knowledge and consent of the said Frederic Calvert.
>
> "That the Committee also find that a practice prevailed in the said Borough at the last Election of issuing printed tickets for refreshments to the extent of five shillings each to voters, both before and after polling:—The Committee believe that this practice has obtained very extensively in the said Borough, and they consider it their duty to report it to the House."

Report to lie on Table.

PUBLIC BUSINESS—THE BUDGET.

MR. HERRIES wished to ask the right hon. the Chancellor of the Exchequer what was the course the Government intended to pursue to-morrow on the proposal of the amended Budget—in what way they meant to introduce the subject—and whether it was their intention, as he believed it had been suggested, that the debate on their proposal should take place on Monday, so that there might be some time to consider that proposal?

The CHANCELLOR OF THE EXCHEQUER said, the course he proposed to take to-morrow was this. He had on the last occasion moved a Committee of Ways and Means, and had submitted a Resolution for the renewal and continuance of the Income Tax for a limited time; and he proposed to-morrow, with permission of the House, to go into Committee of Ways and Means, and to restate the financial arrangements he proposed for the year. The right hon. Gentleman (Mr. Herries) had given notice of a Resolution in Committee of Ways and Means, as an Amendment on the proposition he (the Chancellor of the Exchequer) had moved. It was understood that the right hon. Gentleman's Resolution would be more appropriately brought forward and discussed in the House than in the Committee; and therefore he (the Chancellor of the Exchequer) proposed to-morrow to make his statement in Committee of Ways and Means, and to ask for a Vote on the renewal of the Income Tax; and on the bringing up of the Report of the Committee of Ways and Means on Monday, the right hon. Gentleman's (Mr. Herries') Resolution should be submitted to the House. This course would, he thought, be most conducive to the convenience of hon. Members.

Mr. **HERRIES** had no objection to the course proposed by the right hon. Gentleman, provided it were with this clear understanding, that if they suffered a Vote te be taken to-morrow on the proposition of the right hon. Gentleman, it should be considered distinctly to be *pro formâ*, or at least subject to this—that the debate upon it should take place on the Report; and, of course, the effect of it would depend on the result of that debate. He could have no objection to that course, because he believed it would be more suitable to the forms of the House. At the same time, he hoped it would be borne in mind that his Resolution was to be brought forward on the same principle and with the same view of taking the decision of the House on the subject as if it had followed, as he first intended, the proposal of the right hon. Gentleman in Committee. He now, therefore, would renew his notice of Motion; but he begged to add his hope that the debate would be allowed to come on at the earliest time of the day on Monday, and that it might be concluded the same night.

Mr. **HUME** said, he had given notice that whenever the period should come that the House should resolve that the Income Tax should be renewed, he should move that the duration of the renewal be limited to one year. This Motion he would move after the Bill was introduced, for that, he considered, would be a course more convenient to the House than moving it on the Resolution of the right hon. Gentleman the Chancellor of the Exchequer being brought forward.

AFFAIRS OF INDIA.

Mr. C. **ANSTEY** rose to move an Address to Her Majesty, on the government and management of the Indian dominions of the Crown by the East India Company. The propositions which he had to submit were two. The first was, that before the Act of 1833, by which the Government of our East India territory was provided for and regulated, should be renewed either in its present shape or with such amendments as Parliament might think proper, it was at once necessary in itself, and consonant with former practice, that some preliminary inquiry should be instituted. His second proposition was, that such inquiry would be fruitless unless conducted on the spot by a commission sitting in India. He had hoped to be able to confine himself to the second proposition; but the announcement made by Lord Broughton, when a Member of this House, in reply to the question put to him early in the present Session, by a noble Lord (Lord Jocelyn) rendered it necessary for him (Mr. Anstey) to go into the reasons, not only for having a preliminary inquiry in India, but also for having a preliminary inquiry at all. The President of the Board of Control had intimated on that occasion, that no preliminary inquiry whatever was contemplated by Government, except in the event of their proposing important changes in the present Act; a contingency not very likely to occur. But he (Mr. Anstey) maintained that, whether the Act of 1833 was to be amended or not, it could not be renewed without a renewed inquiry, if the obligations of policy, precedent, and good faith, were to be regarded. That Act was but an experiment; it had so been styled by its authors; the time was now come to inquire into its working. When Mr. Grant, in the year 1833, introduced the Bill which became the Act under which our East India territories were now governed, he distinctly stated that he called upon the House to undertake an experiment of no ordinary kind; that, at the end of the term of years proposed for the experiment, it would be seen whether the result should or should not warrant its renewal; and that in proposing an extension of the term, contrary to his original intention, from fifteen to twenty years, during which the East India Company and the Board of Control were to be entrusted with the conduct of the experiment, he had in view only those concessions to self-interest which were necessary, having regard to the infirmity of human nature, to render the experiment successful. Upon that ground the House was induced to agree to his proposition, so as that when the next renewal came before Parliament, the East India Company should have no reason to complain that sufficient time had not been allowed them. The measure itself, moreover, was not very maturely considered at the time; and the mode of hurrying it through the House was much complained of by Mr. Wynn and other Members, who then advocated the cause of India in Parliament. It was not brought before the House until the 13th of June, and it then came on in the shape of a preliminary resolution. At that period of the Session there were considerable arrears of public business, and it was impossible to discuss the matter with that calmness and deliberation which interests of such magnitude required. A similar objection existed to the proceedings in the years 1781 and 1793 and 1813, that is to say, on every occasion when the renewal of the Charter Act had to be considered—and when, in every instance, the political emergencies of the epoch prevented an ample consideration of the question. Sir James Mackintosh, on the 17th of June, 1828, had foretold the delay, and also what would be the result of introducing the question at that late period. He said—

> "The question will be taken up in haste, decided in haste, and we shall crowd the discussion into a few weeks, and postpone all discussion until the eve of decision."

On the 10th of July, 1833, after Sir James Mackintosh had ceased to exist, and when the Bill was actually in Committee, Mr. Charles Wynn quoted those words, and added, "I regret that Sir James Mackintosh's prophecy has been so closely fulfilled." Were they then in 1853 to be again called on to renew that Charter with the same precipitation, and this time without further inquiry? Yet, if there was ever a case for even extraordinary inquiry, it was the present, for the like case had not existed upon any of the occasions on which the renewal of the Charter had been discussed. Mr. Grant, in introducing the Bill, used these remarkable words:—

> "Twenty years ago it was never dreamt that in any Charter for the East India Company, we should acknowledge the political existence of the natives. Now, however, it would be unjust, in legislating for the eastern dependencies, to forget the political existence of the natives."

Accordingly, by the Act of 1833, the political existence of our Indian fellow-subjects was expressly acknowledged. Now Parliament had a right to demand in what way this Parliamentary recognition by the Bill of the existence of 150,000,000 of men had profited in the hands of those to whom the trust was consigned; and the House ought not to hesitate to grant an inquiry on the spot, conducted by men above the suspicion of partiality. By the Bill of 1833, again, the removal of certain grievances was supposed to be provided for. The House was bound to ascertain whether those grievances had been redressed.

He, for his part, asserted that there was not one grievance in existence at the time which did not now exist in all its original deformity. Take, for instance, the question of monopolies. When Mr. Buckingham brought that of the land and its revenues under the notice of Parliament in the form of a Resolution on the second reading of the Charter Bill, Mr. Grant said—

> "That is rather a matter fit for the consideration of the Governor General and his Legislative Council, and I trust he will be able, with the accession of power we propose to give him, satisfactorily to dispose of the general question. The particular subject of ryot rent, however, is, I should think, more a subject for the consideration of the Law Commission."

On another branch of the same subject, the opium and salt monopoly, brought before the House on a subsequent day by Mr. Wilbraham, Mr. Grant said—

> "I am happy to be able to assure the hon. Gentleman (Mr. Wilbraham) that the Government, both at home and in India, have agreed that the taxes on opium and salt shall be removed."

And yet, up to this moment the Governor General had not legislated on the land-tenant question—nothing had been done by the Law Commission relative to the ryotwar rent; and the salt and opium monopolies still existed. Parliament had a right to know the reason why. Above all, it ought to be known what the condition of the people now was under this system still extant, albeit condemned in 1833. Yet at the present moment the House was only in possession of the evidence of those whose interest it was to stifle inquiry, and endeavour to obtain the prolongation of their power, and from whose unchanging strain of panegyric, one might suppose that the East India Company was an angelic hierarchy, and the Board of Control a community altogether archangelic. He would, however, draw the attention of the House to the danger of relying on such evidence. He held in his hand a remarkable document, which would show that the natives of India were keenly alive to their grievances. On the 12th of February, 1840, an address, signed by no less than 100,000 of the natives in Madras and its vicinity—a copy of which he held in his hand—was presented to the then Governor of that Presidency, Lord Elphinstone, one of the truest friends that India had, but utterly disabled by the Charter Act, of his good meaning towards her, in which it was said—

> "We are the people of this country, inheriting this land for thousands of generations; from our industry its wealth is supplied; by our arms it is defended from foreign foes; by our loyal obedience to the established Government its peace and its safety are maintained."

Now, he would ask the House if it was just or right to ignore the existence of such a people? For practically ignored, it still was, despite the recognition of Parliament. Not only did the grievances complained of in 1833 still exist, but the people were in a worse condition than they were at that time. . He would not trouble the House with any of the evidence adduced before the Select Committee to inquire into the growth of cotton in India, but would confine himself to the language of the report, notwithstanding that it bore on the face of it to be not so much a decision on the right, as a compromise amongst interests. The report, which was unanimously adopted by the Committee of which the hon. Member for Honiton (Sir J. W. Hogg) was a member, thus describes the condition of the natives of India now under British rule:—

> "The very low and abject condition of the cultivators of the soil, the absence of capital, and the extent of the Government demand for rent or revenue, circumstances which were brought prominently under our notice, rendered it necessary for your Committee to enter at considerable length into an inquiry into the system of land assessment, and to take the evidence of several officers of the Indian Government on the subject. It appears from the testimony of almost every witness, that the condition of the cultivating population of India is one of extreme poverty; and this is stated to be the case in every part of the country to which the evidence with regard to cotton cultivation specially refers."

This was the described condition of the people who had enjoyed the blessings of British rule, under guarantees imposed by the British Parliament in 1833, for the last seventeen years! The Committee lamented the great extent of the Government demand for revenue. Now, how was the revenue of India made up? Of direct taxes, of indirect taxes, monopolies, and of confiscations. The servants of the Company went to India under the pretence of delivering the people from the tyranny of their Mahommedan and Mahratta conquerors. Yet according to the unanimous testimony of all the witnesses examined, and the documents produced before every Committee, the Company in every case had improved even upon the maximum of the exactions that had existed under either the Mahommedan or Mahratta rule. These had never claimed the direct sovereignty of the soil of India; but the Company asserted to itself the right of universal ownership. Mr. Carnac Brown being asked by the Committee to define his notion of a native cultivator of land in India, said, "To me he has always appeared to be a person, the sole end of whose existence has been to raise revenue for the East India Company." To raise this one article of revenue—the rent laid upon the land occupied by the natives—nine-tenths of them were sold up every year, and none were spared but those to whom it should please the collectors to show a little mercy. These parties had the power even to imprison persons found in default; and, although this power was said to have been sparingly exercised, the reason was not very creditable. Mr. Williamson, who was for a long time connected with the Presidency of Bombay, said, "The power of imprisonment has, in most cases, fallen into desuetude, because if the insolvent is in prison, he must be fed." The Company, if it imprisoned, must feed him, and the Company did not choose to undergo that expense. It appeared also from the report of the Committee of 1813, that the power of distraint and sale was a much more vexatious and oppressive power, and much more unpopular, than the power to imprison. But retribution for this shortsighted rapacity had already begun to appear; and that, too, in the form most obnoxious to the rulers. Notwithstanding these enormous exactions, the net revenue derived from the 150,000 millions of British subjects and tributaries inhabiting India, never amounted to 20,000,000*l.* And yet, under the comparatively mild and equable system of finance which existed even in the worst time of their former conquerors, 30,000,000*l.* a year were easily raised from a territory far less ample, and a population of a merely fractional amount. The revenue derived from land was in no case less than 45 per cent on the return. The assessment on which this exaction was made, was a one-sided assessment; founded, perhaps, on some data in the archives of the Company, which might have existed long before the present scale of prices; but, even so, they were data of their own choosing, and on which the taxpaying natives had not been consulted, and on such data they had proceeded to calculate the present value of the land. In districts where the assessment was permanent, the persons who are subject to it never get it altered or reduced; and, on the other hand, in districts where the assessment is annual, the most exorbitant levies are raised, and the services of the collector are only valued in proportion to the sums which he succeeds in extorting from the native inhabitants. In estimating the amount of the collection, not the value of the land, but of the coming crop for the year, is taken into consideration, and the smallest possible pittance upon which life could be supported is left to the wretched population. But these are not the only grievances of which the native of India has to complain. He also pays a house tax and a trade tax; and as an instance of the manner in which the latter tax operated, it might be stated that a carpenter annually paid twice the value of his box of tools for licence to use them in his trade. There was also all through India a tax upon water drawn from wells, an article especially needed in the warm climate of India, where it was used by the husbandmen in the cultivation of their land. In short, every necessary of life and every luxury was, in India, made the subject of taxation, so far as British rule extended; for it was not so formerly, nor is it so to-day, under the native Governments. Well might Mr. Macaulay, when Secretary to the India Board, declare that the Indian subjects of the Bristish Crown were "the most heavily taxed people on the face of the earth"—words which, though uttered in that House on the 31st May, 1833, were still more truly descriptive of the condition of that people to-day. And now, coming to indirect taxation, there were heavy duties both on imports and exports. He asserted, deliberately, that the reduction of export duties, so much vaunted by the Court of Directors, was, like almost every one of their professed concessions to Parliament and the Indian people, colourable only. The duties were taken off from "lawful articles of export" only; and "salt and opium," moreover, were expressly excepted. The phrase was conveniently ambiguous, and it would be for the collectors of revenue alone to understand and interpret it. And in addition to all these taxes and confiscations, and indirect taxes levied on imports, and until a recent period upon exports also, the natives had further to endure monopolies of some of the great necessaries of life, which the East India Company retained in their own hands, and which, by a just retribution of Providence, were gradually, but surely, reducing the revenue which those monopolies were originally intended to enhance, at the same time that they were contributing to the unspeakable misery of the people. The monopolies in question were those of salt, opium, tobacco, bees-wax, turmeric, and other articles. With regard to the monopoly of salt, he need not remind the House that salt was an article of prime necessity to a rice-consuming population like that of India. Now, it could be demonstrated that the price of salt imported from England into India could not possibly exceed one shilling per bushel on the quays of Madras or Bombay. But, by the internal laws of the country, salt was made a contraband article, and the natives were forbidden to import it, or to make it for themselves either on the coast or in the interior. This prohibition was enforced by tremendous penalties, in regard to which it would be sufficient to mention one provision recognised by the courts of law. By this regulation, any native bringing salt water from the salt springs or from the sea, and subjecting it to evaporation for the purpose of extracting the salt, was guilty of a violation of the monopoly with respect to salt; and he might be conveyed before a collector, who was also a magistrate, and upon conviction might be imprisoned and kept to hard labour for a term of two months, besides being obliged to pay a fine of some hundreds of rupees if he was considered able to discharge it. Now, what compensation did the Company make in return for this monopoly? They had certain manufactories of salt, one in particular in the Sunderbunds, a district which contained smiling fields and well-peopled villages before the soil was cursed with the presence of Europeans; but now, its embankments having been destroyed by foreign violence, under European rule, had become a waste of sand and jungle, periodically flooded by the waters of the Ganges in the wet seasons, and at all times infested by wild beasts, its only native inhabitants. In this spot was the principal manufactory of salt, where the Company compelled a certain troop of natives, who were bound by tenure to this service, to work in the manufactory. These natives, living in these desolate marshes, in a climate too pestilential to admit of a European residing in it, were carried off in hundreds by disease; they were continually swept away by the winter floods, and it was calculated that from forty to fifty of them were annually carried off by the tigers which infested the spot. Now the salt which might be purchased on the quays of Bombayof the importer at 1*s*. a bushel, could not be made in the Sunderbund under 1*s*. 6*d*. a bushel. After it was made it had to be carried to the depôts of the East India Company, where the monopoly price was fixed It was a fact that, whatever the prime cost might be, it was always enhanced 280 per cent at the depôts of the Company. The salt was then sent off to other depôts in the interior, the price being further enhanced on its way, so that by the time it reached the hands of the consumer, the price often rose to 10 or 12 rupees, or from 20*s*. to 24*s*. a bushel. An hon. Gentleman behind him said that this was an old story; and the inference was that since 1833 some alteration had taken place with respect to the salt monopoly. It was even true that an alteration was made; but before the hon. Gentleman took advantage of the admission, let him inquire what was the nature of that alteration. From the evidence of the collectors, given before the Committee on Cotton in 1848, it appeared that when, with the view of conjuring away some of the public disapprobation, it was agreed that the tax should be taken off exports, the East India Company demanded an equivalent for the concession, and they accordingly raised the price of salt. Salt, therefore, is now 25 per cent higher than it was in the year 1833. It was a remarkable circumstance that the appearance in India of the mysterious and formidable disease known by the name of Cholera, was simultaneous with the creation of the salt monopoly. They both came into that country at the same time, and they have never since disappeared from the soil. The earliest authentic instance of Asiatic cholera was exactly coincident with the date of the salt monopoly; which first deprived the vegetable diet of the people of its all-essential condiment. Captain Harvey, an officer of the Indian army, had stated in an interesting work lately published as the result of his ten years' experience, that the bad food of the sepoys, and the indifferent state of their dwellings, in a sanitary point of view, was the great cause of cholera amongst those troops. He would now pass from the salt monopoly to that of opium—a monopoly which, he need hardly remind the House, was the cause which plunged this country some years ago into a bloody and disgraceful war with the Empire of China. Now, he found that the East India Company was directly and solely responsible for the monopoly of opium. The natives wished to be rid of it, and they would not cultivate it unless they were obliged to do so; but the collectors had orders to force them to receive the advances and cultivate it, for in every case where a native received an advance of money from the Company, and refused to cultivate opium, he was punished. The cultivation of opium was forbidden to every one except those whom the East India Company employed, and after it had been raised, it was purchased by the Company from the grower, at one-fifth of its real legitimate price in the market. It was then brought to the Company's depôts, where an enhanced price was put upon it; and, finally, it was despatched to the coast of China, where smugglers were employed for the purpose of running it ashore. And what was the result? The monopoly was the cause of scarcity; scarcity promoted competition; and he was happy to see that the grasping avarice of the Company, in this as in other respects, was overreaching itself, for the Chinese, weary of their exactions, were beginning to grow opium for themselves, in spite of their laws, which pronounced its cultivation to be illegal. So that what happened to the pepper monopoly was about to happen to the opium monopoly. Nor should it be forgotten that both these monopolies of salt and opium were maintained at present in spite of an express engagement that they should be abolished. When it was proposed to introduce into the East India Company's Bill of 1833 two clauses, which would have had the effect of putting an end to these monopolies, Mr. Charles Grant stated to the hon. Member who moved the insertion of the clauses, that the Government, both that at home and in India, had come to the determination that the taxes on opium and salt should be removed. That was in 1833. Seven years had passed away, when, on the 8th of July, 1840, Lord Sandon put a question to the right hon. Baronet (Sir J. Hobhouse) the President of the Board of Control, which was answered by the hon. Baronet the Member for Honiton (Sir J. W. Hogg) as a Director of the East India Company. The question was, whether the Directors of that Company had taken any steps to separate themselves from the manufacture of opium in India? The answer returned was, that there had been as yet no instructions sent out to India of the nature alluded to, but that the whole question was under the anxious consideration of the Court of Directors. The hon. Baronet is present and will not deny that down to this moment nothing has been done in the matter, but that it is still where Mr. Charles Grant left it. Why, the only reason ever given for extending the term of the Company's charter to twenty years was for the express purpose of enabling the Company to remove the monopolies; and yet the salt monopoly, the opium monopoly, the tobacco monopoly, in short every monopoly continued to exist to the present moment, except those which had been abolished by the unerring and inevitable course of the great natural laws which govern the commerce of the human race. The tobacco monopoly was again so completely in the hands of the East India Company, that they were able to specify what districts should grow tobacco in any year, and they compelled the unfortunate natives to raise tobacco at a price named by themselves. And after the price had been fixed and enhanced, the tobacco produced was so tasteless and bad, that, to give it some kind of flavour, the collectors were in the habit of steeping it in what was termed liquid ammonia—the vernacular of which designation he would rather not repeat—and even then nobody would purchase it, except the natives who had no choice, and the soldiers who, whether they had choice or no, had not much money. With regard to the minor monopolies, of cardamoms, bees-wax, and the like, it was customary to put them up to sale, and the purchaser, having paid the stipulated price, was entitled to collect the armed police of the district in which the monopoly was held, and to perambulate it at their head in quest of contraband stores. He could even enter into private houses at the head of his force, and make his searches for bees-wax, honey, or any of the other articles included in the class of minor monopolies for which he had paid the purchase money, and, when found, to seize them, as confiscated to himself, the Company's purchaser. An English gentleman of large property in Malabar had, in consequence of this state of things, been obliged to abandon his benevolent endeavours to introduce amongst his native tenantry the English system of hiving and swarming bees; for he found that by persisting, he only exposed himself to the insolence of those domiciliary visits, and his people to persecution; whilst of the produce, neither he nor they were allowed to retain the smallest item. It was all "Company's honey," and "Company's wax," and seized as such by the buyer. This fact, he (Mr. Anstey) had had from the gentleman's own lips. Such were the sources of the revenue of British India, in the raising of which nine-tenths of the population were annually sold up, and ruined, and which never exceeded in amount 20,000,000*l.*, notwithstanding the enormous and growing increase of our territories. In spite of the annexation of Sattara, the absorption of Scinde, the conquest of the Punjab, and the like territorial accessions elsewhere, our Indian revenue, far from increasing, was with difficulty prevented from growing yearly less. And yet these territories, when smaller in extent, and not subjected to monopolies and import duties, and leniently taxed, had yielded under former dynasties a revenue of never less than 30.000,000*l.* per annum. If these things were true, ought they not to be corrected? and if they were not true, what possible objection could the Court of Directors have to an inquiry into the whole subject? It was not his intention to enter at length into the question of the original cause of so lamentable a failure, further than to make this remark. In the changes which have taken place in the machinery for the collection of taxes since we became seised of the sovereignty of India, we have the key to the great decline of that country under our rule. For what had been the secret of those changes? Had they not all tended towards transferring the villages, the provinces, and the States, from the natives and proprietors, who had an interest in the country, to the hands of foreigners—raw, inexperienced boys—brought up in England, for the most part at an exclusive college, where they were taught to consider themselves superior, not only to the natives whom they were to rule, but even to the uncovenanted servants of the Company with whom they were to act? Into their hands the whole power was given. The natives were, nevertheless, at the very least, quite as fit to manage their own affairs as any other people. Was any one of them who had ever visited this country not fit to compete with the Company's servants, even in the highest offices? Yet it was only to the lower offices that the Company ever appointed these children of the soil. There was a time indeed—and not far distant—when even this paltry privilege was denied them. When the lamented Charles Wynn became President of the India Board under the Goderich Administration, the least taint of native blood was at the India House a permanent disability; and candidates for cadetships and writer-ships and the like, had to undergo a severe scrutiny—aye, even into the colour of the blood that flowed at the nails of their fingers, before their qualification was admitted by the jealous Court. Mr. Wynn (who afterwards, in 1833, only endeavoured to obtain from Parliament the recognition of a great principle which he had made the pivot of his own administrative policy in 1827–8), to his immortal honour, compelled the Court of Directors to abandon that senseless and mischievous system; but all his efforts to obtain the direct and hearty adoption of a liberal policy were powerless against the prejudices and interests of the Court. The Charter Act of 1833 left it in their power to defeat the wise and statesmanlike views of Mr. Wynn, albeit declared and sactioned by that very enactment; and they have defeated it. Well, then, should we, without inquiry, without the appointment of a Commission to visit India—for he believed that no inquiry could ever avail to effect any redress for local grievances without a Commission being sent out to the spot and armed with full Parliamentary authority—was it right, he asked, without investigation, to re-consign the Government of India into the hands of this East India Company? He might safely rest his case here; but there were yet other considerations. He would not confine the Commission to the subjects he had already mentioned, however important he esteemed them. He would proceed to another and perhaps a still more important one, for if there was one grievance which more than another had claims upon Englishmen for redress, it was a corrupt administration of justice. Some years ago a Commission was appointed to digest the conflicting elements of what was called law in India into a code. The result of that Commission (which had the assistance of an eminent lawyer, with a salary of 10,000*l.* a year) was the preparation of certain documents called a penal code; but that collection of papers Her Majesty's Government had laid upon the shelf. A further professed object of the inquiries and labour of the Commission had been the experiment, not very difficult, he thought, whether the law could not be made equal for all ranks and colours, so as to elevate the depressed native to the rank of the English freeman, without depriving him of his right to the free enjoyment of his own laws and usages. The only result, however, was the "Black Act," which degraded the Englishman to the level of the native, by taking from him also the right of trial by jury. True to their character, the Court of Directors and their delegates in India, instead of extending the jurisdiction of the Queen's courts to the natives, and thus recognising their ever-growing intelligence and capacity for freedom, in pursuance of the pledge given to that effect, had sought to pursue the reverse course, and to deprive even the European inhabitants of the benefit of that jurisdiction. He rejoiced to say, that the Act to which he alluded had been disallowed by the Government here; but he did not rejoice in their subsequent inaction. Simply to disallow, and then to hold the hand, and to look still to the Council in Calcutta, or to the Court of Directors in Leadenhall-street for a better measure, was to admit at once the necessity of legislation, and their own inability to legislate. Certainly legislation was necessary. A very cursory review of the question ought to satisfy any one of that. Under the existing system in the Moffussil country there was no *vivâ voce* examination of witnesses; all the evidence was written; the courts were not necessarily open; the judges were only to appear there when they pronounced sentence. They had the power of life and death, though they might not have been educated at the bar, and in many cases were ignorant of the language of the wretched people subject to their jurisdiction. Native offenders of whatever religion were tried by the Mahommedan law; and a Mahommedan Judge sat along with the English Judge to try an idolater, to whom Islàm and Christianity were equally in abhorrence. On one occasion, the evidence given in Malayan, one of the Indian dialects, had to to be translated into English (for the English Judge was ignorant of Malayan), and into Persian (for the Mahommedan Judge thought it beneath his dignity to be less furnished with information than his colleague); and so each question and answer was regularly translated both into English and Persian; and the farce was concluded by the English Judge, who understood not a word of the Indian language, certifying at the foot of the record drawn up in Persian for the information of the Foujdari Adawlut at the Presidency, by whom the sentence of the Hindû criminal remained to be determined, that the translation was correct. It was a remarkable fact, therefore, that nothing had been done to supply the place of Parliamentary enactments for the better administration of justice in India, and that after seventeen years of reform administration in India, the frightful abuses so ably denounced in Mr. Charles Grant's masterly speech remained still unredressed. The administration of justice was still a mockery; trial by jury had no existence; and orality of procedure were denied in the Company's courts of justice. One remarkable instance of how justice was administered in India under this atrocious system, he would state to the House. Information had recently been received, that an important action had been commenced against the Company for an enormous sum by one Jotee Persaud, a Government contractor, who supplied our armies with carriages and beasts of burden during the Affghan campaigns, but whose bill of charges had never been paid; and for the amount of that bill he sued them in the Queen's Court. The Company immediately commenced, not a cross action, but a prosecution against him, in their own court, for forgery and falsification of some of the accounts so presented by him. He sought the protection of the supreme court at Calcutta, but the chief justice was compelled to surrender him—being a native, and domiciled within the Mofussil jurisdiction of Meerut—to the Company's court there. His counsel—a leading member of the Calcutta bar—followed him to Meerut, but was not allowed to plead; the Company's Judges of the Court—although Englishmen — insisting that he should not address them in the English, that is to say, in his, their own, native tongue, but in an Indian tongue, with which he was entirely unacquainted. The man is accordingly now undefended, and another day has been fixed for the solemn farce of trial under such circumstances; "and I," concluded the hon. Member, "do not fear to express my conviction that, at the moment I am now speaking, he has been tried, convicted, and condemned; and perhaps has shared the fate of Nuncomar, by way of an example to their countrymen not to dare to cite the Company or its officers for justice." He wished to have an inquiry instituted as to what the natives thought of such a system, and whether it was popular in India; for he believed that neither the planters nor the natives of India could be more incompetent for the administration of government than the East India Company had shown themselves. Another head of his proposed inquiry into the system of the Indian Government should be its foreign department. The House had a right to know what the natives thought of the policy of the Government in this particular—what they thought of such despatches as that memorable one of Lord Dalhousie refusing to be bound by the Company's treaties with the native States, or to recognise their laws or their institutions regulating the right of succession by the adoption of an heir, or free election of the people, where a prince had no regular lineal descendant. This native custom, many times solemnly confirmed and sanctioned by the British Government, had of late been violated in the celebrated Sattara case, and other flagrant instances; and he wished to ascertain from the sovereigns of the native States of India what they thought of their own rights in this matter. He should like to know from the natives under our rule whether they still continued so much impressed with our good faith and our scrupulous observance of treaty obligations in this respect, and, indeed, in other respects, as they were in the days of Lord Amherst. The last native who had visited our shores, Mir Shahamut Ali, had told us that the only security for attachment to our power, in the hearts of the millions of India, was their confidence that we at least respected justice and the claims of solemn obligations. But what was the course of the Indian Government? Any act of aggression, however flagrant or iniquitous, insured impunity from the Court of Directors if it only satisfied one condition—that it increased the revenues of the Company, and added to its territory—that it helped to keep up the dividend of 10½ per cent guaranteed to the proprietors of East India Stock. Another branch of the inquiry under the head of the foreign department related to those wars, those monstrous, secret, and aggressive wars, which England, for the first time in her history, had engaged in since 1833. The war in Affghanistan, which was one of these instances, had been the natural consequence of the Act of 1833; for in that case there was an express clause conveying extraordinary powers to the Board of Control directly tending to that end; and the Secret Committee of the Court of Directors appointed by the same Act, had lent themselves as an instrument for promoting the scheme of aggressive and unwarrantable conquest. In a moment of frankness, not misplaced, Lord Broughton had himself admitted, before a Committee of this House, that he alone had made the war in Affghanistan. But for that admission, we should have been still as much in the dark respecting the causes and authorship, as we were in 1841, and during the intervening period. The Court of Directors had afforded neither the means of control, nor the clue to detection. Bribed by the hope insidiously held out by Sir Robert Peel, that the cost of the war would be borne by Great Britain, the Directors had even frustrated their efforts, who had laboured to obtain inquiry. He rejoiced to say, however, that the price of their subservience, to which the Court of Directors had looked, had never been realised by them. The expenses of the war had fallen upon their finances. Their debt amounted to 44,000,000*l.* in 1848, and since that date there had been no account published of Indian finances. Now, he wished to know the feeling of India on these transactions, and whether or not they were regarded by the native population as redounding to our national character for honour and probity. Even the covenanted servants of the Company themselves had disapproved of their proceedings. Sir Alexander Burnes and Sir Claude Wade, indeed, both, appeared, from the extracts of their despatches printed in the official papers, to have been in favour of the Affghan war; but he could show that they were all along against it, and would pledge himself to prove his assertion. He had shown on a former occasion, that the despatches of Sir Alexander Burnes had been systematically falsified, in order to pervert their meaning. He was now ready to show that the falsifications of the despatches of Sir Claude Wade, our Resident at Loodianah, had been still more frequent and systematic, and for the same end. The considerations to which he had as yet adverted were merely those of justice and humanity. But he knew that there were minds which were not capable of being moved by such considerations when they approached political subjects. Of such he begged the attention (although he was almost ashamed to reduce the question to such miserable dimensions) to the analysis prepared by Mr. Carnac Brown, and read by Mr. Montgomery Martin, of the customs accounts, and other accounts of a public nature, laid before Parliament, from which it was demonstrated in a most masterly manner so long ago as 1839—and it had never been contradicted—that, according to the present system of administration in India, under the head of revenue alone, 20,403,901*l.* sterling was annually lost to England on the price of only eight of those commodities, which, if India had but justice done to her, would be supplied to us from that territory. These eight articles were sugar, cotton, silk, rum, coffee, tobacco, linseed, and flax. And he had also read to the Court of Proprietors, without contradiction, a statement from the same authority, showing that the natives of India, if only they were so impoverished by the Company's fiscal system as not to be able to consume British commodities in the proportion of but one-tenth per head of the amount now consumed by each member of our negro population in the West Indies, that alone would give us an annual increase of our export trade to the amount of 72,000,000*l.* This was an estimate of the price which the British people annually paid for their remissness to coerce the Government to the doing of justice to their fellow-subjects in India. Uninterfered with by Parliament, the Government was all-powerful in this matter. By the Act of 1833 a compromise had been effected between the two governing bodies of India. That compromise gave the Court of Directors absolute power within the Indian territory, the Board of Control being expressly prohibited from meddling with the internal patronage of India. On the other hand the Foreign department, as it was called, was left to the absolute discretion of the President of the Board of Control, unfettered by the interference of the Court of Directors. Nor was this all. The provisions of the Act did not prevent the President from monopolising all the functions of the Board, and indeed the Board itself was virtually defunct. Mr. Holt M'Kenzie had retired from it in disgust. Sir Charles Cockerill, who had now been dead many years, was nominated to it only upon his expressly pledging himself to the late Earl Grey, that he would never cross the threshold of the Board, but leave all to the President. The President had been for many years past the sole representative of the Board; and, in that capacity, he was sovereign master of the destinies of British India, and the Secret Committee was his blind and unscrupulous instrument. That was the nature of the compromise effected by the Bill which the House, in 1833, so hastily and improvidently passed. The enormous patronage of India, again, was divided between the President of the Board of Control and the

Secret Committee of the Court of Directors; and, in fact, nobody in the world exercised such influence as the hon. Member for Honiton (Sir J. W. Hogg) as Deputy Chair, and Lord Broughton, as President of the Board of Control, exercised in our Indian Empire. He asked the House whether they would not institute an inquiry before they renewed such a compromise as this? It was time that this matter of patronage should also receive consideration. For his part, he would recommend that the wise suggestions of the late Mr. Wynn should be adopted, and especially that the Government at home should be compelled to reserve one-third of the patronage for distribution among the sons of officers who had served in India. He did not think it would be at all difficult to abolish the Court of Directors, the Court of Proprietors, and the Board of Control, and to administer the affairs of India much more efficiently than they were now conducted. Should he have the honour of a seat in that House when the Charter came on for renewal, he would be prepared to support measures of the extreme character which he had indicated. At present, however, he asked but for inquiry. He demanded of the justice of the House that nothing might be done without taking the opinion of those whom their deliberations would chiefly affect. The interests and happiness of nearly 150,000,000 human beings depended on that issue.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, representing that it is now necessary that the true condition of the territories under the government or management of the East India Company, and the real feelings and wishes of our fellow-subjects inhabiting those territories, as to such government or management, should be fully ascertained; and for that purpose, praying Her Majesty to take measures for the appointment of a Commission of Inquiry, with full powers to take evidence in India as to the operation and results of the laws now in force, touching the government and management of the said territories, and to report such evidence, together with the opinions of the Commissioners thereon, to Her Majesty in Parliament."

Mr. SCHOLEFIELD seconded the Motion.

Lord J. RUSSELL thought the House was hardly in a state to enter into this question, either as to the various measures upon which the hon. and learned Gentleman had touched, or as to the whole question of the government of India. He considered that the hon. and learned Gentleman had clearly mistaken the position of the Government and the House upon this subject. That position was this: A noble Friend of his had stated that it was not the intention of the Government to move for a Committee in the present year to consider this important subject; and he said at the same time that all the information that could be obtained would be laid before the House previously to any renewal of the Act of 1833. His noble Friend also said that the Government had no intention of proposing any such alterations as were proposed in 1812 and 1833, which would lead them to deem it necessary to appoint a Committee with a view to consider the proposed alterations; but that if the House, previously to the settlement of this great question for another period of years, should think fit not only to have the papers before them, but to inquire by all the means within their power into the mode of governing India, there would certainly be no objection on the part of the Government to such an inquiry. The hon. and learned Gentleman opposite had gone considerably into detail with regard to various measures relating to the finances, the laws, and the government of India; and he thought, if the statements of the hon. and learned Gentleman were carefully examined, it would be found that many measures to which he had alluded had been altogether abandoned, that some of the exclusions to which he had referred no longer existed, and that many reforms had already taken place. It was not of course desirable that the House should come to a decision with respect to all the various subjects that had been referred to, without more information than they at present possessed. The hon. and learned Gentleman said that the best mode of obtaining that information was to send out a Commission to India to inquire upon the spot as to all these matters. Upon this point he (Lord J. Russell) entirely differed from the hon. and learned Gentleman, and he believed that it would be most unadvisable to send out such a Commission. With regard to the present Government of India, the hon. and learned Member had stated nothing to show either that the Marquess of Dalhousie was incompetent to conduct that Government, or that any measures had been recently taken with which he found fault, or which he considered ought to be the subjects of inquiry. He (Lord J. Russell) was satisfied that if they were to send out Commissioners to India to inquire into the salt monopoly, the opium question, and, in short, into the finances, the laws, and the government, they would produce very great excitement throughout India, and would for a time destroy all authority in that country. He conceived that it would be far better, if the House thought fit to institute an inquiry, that that inquiry should be conducted, as had been done on previous occasions, by a Committee of that House, and that at all events the House should not assent to the proposal to pray Her Majesty to send a Commission to India. A question relating to a much less subject, the growth of Cotton in India, was under the consideration of the House last year; but the House did not then think fit to assent to the proposal for a Committee; and, although there were many objections to that proposition, he thought the objections were tenfold greater to the proposal now before them. The hon. and learned Gentleman, as an encouragement to them to assent to his Motion, had said that India might be governed without the Court of Directors, the Court of Proprietors, or the Board of Control, and that he would suggest that some entirely new system of governing India should be established. [Mr. C. Anstey: On the contrary, I did not propose anything of the kind.] Well, he considered that that was not a question which should be submitted to any Commission; and it was a question the House could not now consider; but when Parliament was called upon to legislate with regard to the renewal of the Act under which India was now governed, then would be the time for the hon. and learned Gentleman to propose his substitute for the present mode of government. As far as his (Lord J. Russell's) opinion went, he believed that whatever might have been the case in former times, the present Government of India was a very enlightened Government, and that the Court of Directors were a body of very able and very experienced men; and for his part he could not approve of that total change in the mode of governing India suggested by the hon. and learned Gentleman, and he could not assent to the Motion.

Mr. HUME said, that although he was obliged to the hon. and learned Member for bringing forward the subject, he did not agree in many points adduced by the hon. and learned Gentleman; but, looking at the immense interests of India, its population, and situation in connexion with England, he could not help thinking that there appeared to be some disposition to treat India as a minor colony not worthy a moment's consideration. Like the noble Lord the First Minister of the Crown, he (Mr. Hume) would be the last man to consent to the abolition of the Court of Directors, though he did not deny that there were errors that required alteration. He had taken part in the two last renewals of the Charter; and in 1833 he recollected a very important inquiry took place into the commercial and financial interests of India, on which occasion gentlemen of the very first experience and talent were examined. The change that took place in 1833—by the abolition of the commercial character of the Company, with little exception—was a most important one, and one for which he was a warm advocate. Now, he wished to know, was it not proper that inquiry should now take place with a view to ascertain what had been the result of the Company being no longer traders but sovereigns? Was it not right that they should know to what extent changes had taken place in the judicial establishments of the country. He believed that, comparing the courts of law as at presented constituted with those that previously existed, immense progress had been made. However, he also believed there was still great room for improvement. Had he seen the Motion of the hon. and learned Gentleman before it was committed to the paper, he certainly should have discountenanced the idea of a Commission to India, as some of the ablest men that ever controlled the affairs of India were at hand, and from whom could be collected information that must be of the greatest importance. Certainly there was one point upon which better information might be obtained in India, namely, the relative positions of the Company and the native Princes. It was of great importance that the character of the British Government should be maintained, and that it should not lose that *prestige* which invariably attached to them of keeping good their pledges. But he feared they were going on in a way that would lose them much of that character, inasmuch as acts of injustice had taken place that would be certain to have an injurious effect. He did not agree with the hon. and learned Gentleman (Mr. Anstey) that all the native chiefs were alarmed at the proceedings of the English; but he believed matters were progressing in a direction that would lead, ere long, to that conviction amongst them. He was rather doubtful that, even in time of peace, the present practice of allowing the Governor General to proceed into the hills and remain isolated there for some six or eight months, even for purposes of recreation, apart from his officers, was a wise one. At present he understood that the Marquess of Dalhousie had gone into the mountains towards China, an immense distance; and he perceived from a paper which had been put into his hand, that that movement of the Governor General required the services of 11,000 coolies, brought a distance of 80 miles, and all to convey the noble Marquess a distance from the seat of his authority and government. It was a mistake further to entertain the project of the military road to Chinese Tartary to the neglect of the road in the Punjab. There was a sufficient number of coolies engaged that might more beneficially be employed in making a military road from Kurnaul to the Punjab, an improvement which was almost indispensable. It was not on the ground of expense merely that he objected to this, but because the Marquess of Dalhousie was thereby removed from the neighbourhood of functionaries filling highly important offices, with whom he should be in communication. The Commander-in-Chief, too, was said to be following the example. He had great doubt whether it was wise to allow their officers thus to absent themselves from the scene of their duties. There was the Governor of Bombay, too, who was away for half a year at a time. In saying this, he did not wish to offer any opinion or to cast blame; he merely mentioned them as matters deserving serious consideration. Many matters enumerated by the hon. and learned Gentleman had not much practical bearing on present circumstances. There was Mr. Montgomery Martin's theory, for example, which would not bear a moment's examination. He was not in any way censuring the Marquess of Dalhousie, because the noble Marquess was only following the example of his predecessors, perhaps exceeding them by a trifle. These were questions that came fairly under consideration. He thought if anything required consideration, it was whether the Board of Control had acted as a board of control or not. The present system, no matter what the talent of the men who controlled it, was sufficient to ruin any country. There was the Affghan war, which had been begun, conducted, and closed, without the knowledge of the Court of Directors, who were required to pay 12,000,000*l*. sterling, though they knew nothing about it until after all the mischief had been done. Then there was the Burmese War, which entailed a debt of 9,000,000*l*. on the Company, owing to an improper and incompetent person being sent out. The Secret Committee, consisting of three of the Directors, might at any time send out orders to commence a war, which would be carried on at the cost and risk of the Proprietors, and all this done without the matter ever being brought before the Court of Directors. After such acts as these were done, the Government considered themselves bound to support those who did them, and thus the great and important interests of India were sacrificed, and the Proprietors ruined. Let them profit by experience, and prevent the evils which had arisen from former proceedings of the Home Government and the Secret Committee. The Company now had relations with from fifty to an hundred native States; if any dispute arose between them, there was no power to settle it, and the only resort was to Parliament. What profit could be gained by that might be seen from the manner in which Parliament had acted in reference to the case of the Rajah of Sattara, one of the best princes in all India, who after twenty years of loyal service was turned out of his possessions, which were confiscated, and himself compelled to go into exile, where he terminated his existence. The widow of the unfortunate man, after three long years without receiving a shilling, only had her condition recognised in a manner very lately, and even then not until she consented to relinquish her claim. He had no doubt that individually the Court of Directors were anxious that India should be well governed; therefore they were to suppose that all they required was sufficient information. He hoped the Directors would open their doors to inquiry and information, and put and end to secrecy. Time was precious, and therefore should not be squandered. They were in a condition to avail themselves of every information, and could by degrees be prepared to bring in a well-digested and well-considered Bill. He cautioned the House not to be led away as they were on the last occasion, when the Bill was passed without receiving the due consideration it deserved. Let them, on the contrary, be prepared, and give the Bill the consideration it deserved; and with that advice, he would then leave the matter in the hands of the House to be dealt with as they might think proper.

SIR J. W. HOGG could assure his hon.

Friend (Mr. Hume) that no one was more anxious for an open and searching inquiry into every thing relating to the administration of India than the Court of Directors. The question was one of vast importance; and it would ill become the House to continue the administration in the Court of Directors, unless they were satisfied that, in doing so, they advanced the interests, not only of this country, but still more of the people of India. Had the hon. and learned Gentleman who introduced the Motion pursued the course of his hon. Friend who had just resumed his seat, he (Sir J. W. Hogg) should have remained silent. If the hon. and learned Gentleman had endeavoured to impress on the House the necessity of inquiry—and he did not need to use any efforts to impress a conclusion on the House, with respect to which there was no difference of opinion, the only point of difference being as to the best mode of conducting that inquiry—if the hon. and learned Gentleman had confined himself to recommending a peculiar mode of conducting the inquiry—if he had said the returns from India, the information in the India House, were not sufficient, and that nothing would accomplish his object but a Commission in India—and if he had accompanied the expression of his opinion with a statement of the grounds on which he maintained it, the course he would have adopted might have been understood. But the course he had adopted was unfair and uncandid; because, when professing to advocate inquiry, his observations embraced a range extending from almost the first time a British foot was planted in India, and he cast imputations of the vilest character on every authority and every individual that came under his notice. The hon. and learned Gentleman said every thing connected with India was secret; that there were no means of obtaining information. The hon. and learned Gentleman was quite mistaken. The hon. and learned Gentleman went through the commercial policy of India; but his statements were unsupported by history, by documents accessible to every person, or by any of the returns to that House. He said the great grievance of India was unredressed—the non-recognition of the natives, and their not being employed in the public service. It was quite true that, previous to the last renewal of the Charter in 1833, there was scarcely a native employed, except in the most subordinate situations, or who received salaries exceeding 100*l.* a year. The number employed was limited; the offices were of the humblest character. What was the case now? There were numbers of natives holding offices with salaries of 600*l.*, 700*l.*, and 800*l.* a year. In Calcutta, the Sudder Dewanny now could adjudicate in the first instance, without a limit as to amount, without a limit as to the religion or colour of the plaintiff or defendant, and whether the plaintiff or defendant were native or European; and the appeal lay not to the district judge, but direct to the Sudder Dewanny Adawlut, the highest tribunal in the country. It was scarcely speaking too strongly to say, that the administration of justice in the Bengal Presidency was, in the first instance, almost in the hands of the natives. He stated, with pride and satisfaction, that the appeals from decisions of the native judges did not exceed the appeals that were formerly taken from the decisions of the Company's European servants. The experiment, therefore, had been made, and successfully made. But why had it been successfully made? Because it had been cautiously and gradually conducted. The natives were first intrusted with the administration of justice in causes involving small amounts; but it was found that the higher they were raised in position, the better they were paid, the more confidence they had reposed in them; their services became valuable; and the result of the arrangements which had been made was, that the Sudder Ameens received 600*l.*, 700*l.*, and 800*l.* a year. Was the House, then, now to be told that the great complaint in 1833 was unremoved—the non-employment of natives in the collection of the revenue or the administration of justice? [Mr. Anstey: I never said so.] He was sorry he should have misunderstood the hon. and learned Gentleman. The hon. and learned Gentleman had spoken of the land tax. He said it was imposed at so much with reference to the value of the crop of sugar, opium, or indigo, and so much with reference to a less valuable crop. The land tax was imposed on the productive powers of the land, and not on the produce. A contrary, and very reprehensible, system of imposing the tax according to the nature of the crop, prevailed, about fifteen years ago, in Madras and Bombay; but now the system was universal of imposing a tax with reference, not to the crop, but to the productive powers of the soil. The hon. and learned

Gentleman spoke also of monopolies. With respect to salt, he (Sir J. W. Hogg) had himself controverted certain statements made by Mr. Wilbraham, and satisfied the Committee, which considered that question, by letting them know that all the world might carry salt to India—that Mr. Wilbraham and his Cheshire constituents might have done so, provided they paid a duty equivalent to the excess of the charge made by the Government over the cost of production. There was no prohibition against the importation of salt into Bengal; and, so far from its being "contraband," as the hon. and learned Member had said, it was actually imported from the Straits of Malacca, Bombay, Madras, and Ceylon; and it might be imported from Cheshire on the same terms. Whether the Government put too high a tax on salt, or whether they should manufacture salt at all, was quite a different question. The hon. and learned Member had next charged the Indian Government with laying a tax upon wells; but the very book from which he had quoted showed the great encouragement which they had given to the construction of works of irrigation. Then, too, it was not correct that the growth of opium was a monopoly, or that the Ryots were compelled to cultivate it. It was principally grown in Central India, by persons who cultivated it voluntarily, sent it to Bombay, and paid the transit tax. Was it thus that the hon. and learned Gentleman was to stand up and illuminate the House on Indian matters? The hon. and learned Gentleman had also assailed the civil service in India. The hon. Member for Montrose paid that service a just and well-merited compliment. There was no class that had ever been more distinguished for talent, and remarkable for integrity, and integrity in the midst of scenes of great trial and temptation. Corruption or depravity scarcely required to be weeded out; for an indignant sense of what was due to their own character so influenced the civil service, that an offender could not be screened. The hon. Member for Montrose made a complaint respecting the Sattara case—that the House of Commons would not listen to it. The House of Commons not listen to the Sattara case! They had done so for many long years. Many a weary night had he (Sir J. W. Hogg) attended there on Motions relating to that case. Many a dinner had he lost. Sometimes his hon. Friend had a Motion on the Paper; but one could never learn whether it would come on or not. Then there were Motions by the hon. Member for the Tower Hamlets. The hon. Gentleman who had a Motion the other night on the subject, was poaching on the manor of an absent proprietor. The desolate and disconsolate widow had 2,500 rupees per month, and she had not had it before simply because she had bad advisers when she refused to take it. Having got a little sense of her true interest, she had thought it better to recall her friend the gentleman in the red cap who used formerly to come to that House. He (Sir J. W. Hogg) did not like to hear imputations cast on the Marquess of Dalhousie. There never went to India a man to whom this country and India were more indebted for his energy, humanity, and extraordinary talents for administration; and the hon. Member for Montrose, who knew the state of disorder in which the Punjab had been, would be delighted to hear that it was almost one uninterrupted garden; that peace and tranquillity reigned through the country, without exception of any part; that works of irrigation had been reopened; and almost the last despatch he (Sir J. W. Hogg) had had the happiness to sign, with the approbation of the President of the Board of Control, was one which authorised the expenditure of 500,000*l*. for fresh works of irrigation. The extent to which education had been carried already in the Punjab, would exceed the belief of his hon. Friend. With regard to the absence of the Marquess of Dalhousie and his predecessor, Lord Hardinge, from the seat of Government, would any one affirm that during the disturbances in the north-west provinces, Calcutta was the place for the Governor General? Why, the north-west provinces were the place for a Governor General under such circumstances—if he were a Governor General, such as our Governor Generals usually were, such as Lord Hardinge was. But was it only during disturbances that the presence of the Governor General was required in the north-west provinces? The work began at that point, the carrying out of arrangements relating to jurisdiction and revenue. It was when the sound of the trumpet had ceased that the advantage of a man of such administrative talents as the Marquess of Dalhousie appeared. The House would be astonished at the small number of civilians employed in the Punjab. The principle was to pay a man well, but to work him well. Not a single person had been added to the service in consequence of the occupation of the Punjab. With respect to information on India, the fullest information was to be obtained at the India House. He denied the imputation, and indignantly denied it, that collectors were estimated only according to the amount of revenue they produced. A return would be laid on the table of the House in a week giving the fullest information with respect to every matter relating to India. It would form an abstract of the history of India political, military, commercial, and statistical. He hoped that he had been able to satisfy the hon. Member for Montrose that the absence of the Marquess of Dalhousie from his presidency was not uncalled for. He quite admitted that the Governor General had better reside at the seat of Government, except in the case where a vast extent of new territory had been annexed; and he could say, that the Marquess of Dalhousie had accomplished more in the organisation of the Punjab than could possibly have been accomplished by any man, however able, supposing he had been residing at Calcutta, a distance of 1,800 miles. The Marquess of Dalhousie was also obliged to absent himself from the seat of Government on account of his health, for he was not a man of a strong constitution even before he went to India; his physical was not equal to his mental vigour, and at one time the greatest possible apprehensions were entertained that he must be compelled to return. He (Sir J. W. Hogg), however, hoped that his Lordship might be able to remain in India to accomplish the great objects in the promotion of which he was now engaged. He hoped that the House would call for information of the fullest and most searching character; and he ventured also to add the expression of a hope that when that information was obtained, the country would be of opinion that the East India Company had not been unfaithful stewards and administrators of a country which was the richest, greatest, and most valuable possession of the Crown.

Mr. BRIGHT said, that he had, the last Session of Parliament, brought a Motion before the House of a different form to that which was now under its consideration. That Motion was confined to the proposition that a Commission ought to be sent to India for the purpose of inquiring into the obstacles that prevented the growth of cotton in that country, and collecting information as to its economical and industrial condition. He felt that he ought to avoid everything connected with politics as far as the Motion itself was concerned, though it was impossible to leave politics entirely out of view in the speech in which he introduced the Motion. That Motion was rejected by the influence of the Government; and the persons in whose interest—namely, the commercial and manufacturing interest of Lancashire—he made that Motion, undertook to make the inquiry at their own expense and cost by despatching to India a gentleman of high character, of considerable experience, and unimpeachable integrity. They were, therefore, doing that for themselves which, he thought, the Government might and ought to have done for them. The Motion now before the House was of a different and much wider character. On the necessity of a full and searching inquiry before the renewal of the Charter Act, if it was to be renewed, they were all agreed, though it was open to grave question whether the inquiry into the political condition of India, and into the government of India, would be so well conducted in India as in this country. The noble Lord at the head of the Government had referred to the answer given by the President of the Board of Control to a question put to him by a noble Lord, whether it was the intention of the Government to afford any opportunity for inquiry through a Committee. He (Mr. Bright) understood the right hon. Gentleman to say that it was not the intention of the Government to have any such Committee; upon which the Chancellor of the Exchequer, who sat near the right hon. Gentleman, attempted to correct him by saying "this Session." The right hon. Gentleman did not need the correction, and the words of the Chancellor of the Exchequer were not heard, he believed, by the reporters, although they were heard by those who sat near the right hon. Gentleman. He took it, therefore, that the hon. and learned Gentleman (Mr. Anstey) proceeded on the fair assumption that it was not the intention of the Government to have any inquiry at all. He was not at all quite certain—it was not at all easy to know—what conclusion they should come to on this question. It appeared to him that the cause of this was, that if they had an Indian Government, they never knew where to put their hand upon it—that there was no such thing as one board or individual which they could call the Government of the Indian empire. They had one authority in Leadenhall-street, and they had another in a narrow street in the neighbourhood of that House; and persons seeking for information were directed from one to the other. The consequence was, that there was the confusion arising from two governing bodies, and a conflict of circumstances was constantly arising, which made it impossible that anything like a real or good government of a country so distant from them as India could exist. The Board of Control undertook the political department—that was to say, everything that was not connected with revenue, the internal administration, the courts of law, and patronage. The hon. and learned Gentleman (Mr. Anstey) alluded to the Secret Committee. That was the most extraordinary body in existence. It was composed of the President of the Board of Control, the Chairman, Vice-Chairman, and the senior Director of the East India Board. That body had all the powers of war and peace, and the great political events connected with India. But the President of the Board of Control was absolute over all his colleagues. The question was not decided by a majority, and if Lord Broughton were to say there ought to be war, the hon. Member for Honiton (Sir J. W. Hogg) and his colleagues could not prevent it. Nay, he believed the hon. Gentleman was bound to sign with his own hand the despatch declaring war, although he might not have consented to it, and might be of opinion that it would be followed by calamitous results to the country. This was a most monstrous state of things to exist with regard to any country. The hon. Gentleman might give glowing accounts of the Government of India; but it was contrary to nature that any country could be well governed under an arrangement of this description. The receipt and expenditure of the revenue and the administration of justice were under the management of the Court of Directors; and with regard to the enormous patronage which the Government of India gave, he was sure that matter was arranged between the Court of Directors and the Board of Control, with extreme comfort to all the parties concerned. There should be a searching inquiry into this patronage. It had been said some sixty or seventy years ago, that the enormous patronage of India would be ample enough to corrupt every public man in this country; and he doubted not it would corrupt as many under its present administration as under former administrations. [Sir J. W. HOGG: No, no!] The hon. Gentleman seemed to doubt this; but it was a thing that was likely to take place. He believed it had taken place, and though the full particulars seldom came before the public, enough oozed out to lead him to believe that the use of the patronage of India was not so pure as the hon. Gentleman thought, although it was not more impure than, under the circumstances, they might expect. The hon. Gentleman would lead them to believe, that there never was such a Government as the East India Government, and that they were an extremely disinterested Government. Now he believed that, except the interest which we all took in anything with which we were in the habit of intermeddling, the Court of Directors had no more personal interest beyond that of their patronage, in the Government of India, than if they were the directors of the Great Northern or Great Western Railway; and that the Court of Proprietors had no more of that kind of interest on which a Government should be founded, and on which the responsibility of Government should rest, than if they were the shareholders in a railway having a capital of 12,000,000*l*.—in fact not so much, because in the railway company the dividend must depend upon the management, but the dividends of East India stock did not depend upon any such thing. The hon. Gentleman would lead them to believe that there was great improvement going on in India. The hon. Member could not have forgotten the Report of the Committee of which he was a Member in 1848, nor could he have forgotten the statements made by the witnesses, almost all of whom had been servants of the Government, and who were able and honest men—statements to the effect that the cultivating population of India were in a state of the most abject poverty. ["Hear, hear!"] He did not exaggerate at all—he used the very words of the witnesses; and he was not to be told, in the case of a country which had a fertile soil and an industrious and docile population, and which had been governed in some cases for half a century, in others for a century, that it could have been governed well, when it was now in a state of abject poverty. Comparisons had been made with regard to the state of Ireland, which every one knew was not only a disgrace to this country but to the civilisation of the age; and the state of the population of Ireland was owing to the same causes that had produced the present condition of the population of India. In Ireland the people had no ownership in the soil of the country, and in India the people had no interest whatever in the ownership of the land of their birth. To that circumstance was to be attributed the state of things that at present exists. The hon. Member for Honiton had also spoken of what was doing in the Punjab with regard to irrigation. After all the attacks which had been made on the East India Company for years past—after the remonstrances of almost every commercial association—after the remonstrances of the Marquess of Dalhousie, when he was there last year—it would be hard indeed if some attempts were not made to promote the construction of roads and irrigation in that empire. The hon. Member for Guildford had stated a fact in the Committee of 1848, which was a complete answer to the statement of the hon. Gentleman opposite. He stated, having got his facts from the India House, that from 1834 to 1848, or within fourteen years after the passing of the last Charter Act, the whole sum expended by the India Company out of the revenues of India in the making of roads, in the construction of works for irrigation, banks, bridges, and so forth, was only 1,400,000*l.*, or just 100,000*l.* per annum; and the hon. Gentleman stated further, that in these fourteen years the East India Company had, to use the expression of the hon. Baronet opposite (Sir J. W. Hogg) realised a revenue of not less than 300,000,000*l.*, sterling. Why, there was not a Government in the world except that of the East India Company against which such a fact could be stated. They raised 22,000,000*l.* or 23,000,000*l.* per annum in taxes from the impoverished people of that country, and yet they had expended only 1,400,000*l.* in fourteen years on improvements that they deemed necessary for the prosperity of the country. It should be borne in mind that here was a people who had no mechanical contrivances, no steam-engines, none of those means of creating wealth which were possessed in this country. The population was purely agricultural. There were no means of improvement except those possessed by the Government. The condition of things was such, that unless the work was done by the Government, it could not be done at all; and, on the other hand, unless improvements were carried out, nothing like prosperity was to be expected. From the speech of the hon. Baronet it would appear that no part of this empire was governed so admirably as British India. He (Mr. Bright) maintained that the contrary was the fact; and he thought it was the duty of the Government to ascertain whether some government could not be formed for India which would be more responsible to that House. The hon. Baronet said they might have any information that they wanted at the India House. They had all heard of seeking needles in haystacks, and other proverbs of the same kind. Whenever a return relating to India had been moved for in that House, it had been very difficult to obtain it. They could send a letter to India in five or six weeks, and get an answer in the same period, yet they could not get a return from the East India Company in less than about two years. When it came it presented as great a variety of weights and coins as were to be found in British India; and in that he could see no other object than that of making the thing incomprehensible to those who had asked for it. The most trifling difficulty caused the matter to be referred back to that House. An application made to that most imbecile Government which existed at Bombay, must be sent to Calcutta, from Calcutta it had to be sent to the Marquess of Dalhousie; six months, perhaps, elapsed before it was returned, because his Lordship was far from the seat of Government; it is then sent to the Court of Directors, and by the Court of Directors it is forwarded to Lord Broughton in Cannon-row. He did not know what Lord Broughton might have been in his younger days; but he must say that he never saw a man in such a state of preparation for the House of Lords as Lord Broughton had been for some time past. That was precisely the mode in which the Government of India had been carried on. They had heard of thimble-rigging, but the fact was, they could never in this case tell under what thimble the pea was; they could never find out who was responsible, or who was the authority whom they might ask to do anything. It was, he believed, the general complaint of the most able and honest servants of the East India Company—it was certainly the complaint of many with whom he had held communication—that such was the dilatory character of the East India Company, that practically there was no responsible government. Perhaps it would be cruel to ask the noble Lord (Lord J. Russell) to consider anything, seeing that it was doubtful whether the noble Lord, or some other noble Lord, would soon be at the head of the Government; but he hoped that when the noble Lord came to consider the Charter Act, he would consult, not Lord Broughton or the East India Company, but some of the most intelligent men connected with India. There was at that moment a score of men returned from India, who were as able as any to be found in the metropolis, and who could give the noble Lord the most valuable suggestions with regard to this matter. Let them take the opinion of these men; let them frame a government which would be free from that great evil, the want of proper responsibility; which would get rid of the meddlesomeness of the Board of Control; and which, while it was responsible to that House for the principles which governed all its great acts in India, would, at the same time, be sufficiently free to exercise its discretion with regard to the vast amount of details which must ever attend the Government of a great country like that. The noble Lord (Lord J. Russell) had given them some reason to expect that an inquiry of some kind—an inquiry, he presumed, by a Committee of Parliament—would take place, and, that being the case, he would recommend the hon. and learned Gentleman (Mr. Anstey) to rest satisfied with the expression of opinion which he had elicited from the noble Lord, and he believed that was the most likely way to attain the object.

Mr. MANGLES begged to say, that, on his examination before the Committee, to which the hon. Gentleman who had just sat down had referred, it would appear that everything he had said, which might appear unfavourable to the Government of India was credited and relied upon, while the testimony he bore to the proper administration of that Government seemed to be entirely discredited. He had admitted frankly that they had not done all that should have been done for the improvement of the country; but still that they had done a great deal, and were doing more. There was an enormous expenditure on the embankments necessarily kept up for the protection of the country from inundation; and when the hon. Gentleman talked invidiously of the vast revenues of the Government, and the small sum they laid out, did he really know what the expenditure of the country was? There were the expenses of the police, and of the judicial administration, and the expenses necessarily incurred in giving every other benefit resulting from good government to the country. Important as were public works, they were not the only things that were necessary, but important public works had been undertaken. There was the great Ganges Canal, which would cost 1,000,000*l.* or 1,500,000*l.*, and would be the most magnificent work of irrigation that ever had been carried on. It would carry water through the whole of the immense plains that lay between the Ganges and the Jumna, being at the same time a source of irrigation and canal for navigation in that district. The hon. and learned Gentleman who brought forward this Motion had spoken of some unfortunate man who, as he alleged, was prosecuted in the courts of the country, and said he had no doubt but that by this time he had shared the fate of Nuncomar; but did not the hon. and learned Gentleman know that Nuncomar was tried and condemned in one of the Sovereign's courts, and executed under the sentence of one of the Sovereign's Judges? Let the Company be tried by the evidence of the English statesman who now governs India, and it would be seen whether his testimony would not entitle the Company to claim a verdict in their favour.

Mr. ANSTEY had no objection to the proposed Committee, but he was still of opinion that no inquiry into the operation of the Charter Act of 1833 could be effectual, unless conducted by a Commission sitting in India. The Indian authorities themselves—as the newspapers of that very morning told us—were setting the example. The strongest and most important of the recommendations contained in the Report of the Cotton Committee of 1848, was as to "the propriety of losing no time in remedying past neglect in returning to the people in the form of suitable means of internal communication a fair portion of the revenue derived from them." There were more useful public works surely than the gaols of which the hon. Member for Guildford had been speaking with so much rapture. Two years have now elapsed, and what is doing by the Indian Government to carry out this recommendation? They have only now begun to stir themselves, and their first measure is a Commission of Local Inquiry. The hon. Baronet the Member for Honiton had misrepresented some of his (Mr. Anstey's) statements, and had not attempted to answer others. His statement of the salt monopoly was not that no change had taken place, but that it was merely colourable; and his complaint as to that of opium was that nothing had been done by the Company to separate themselves at least from that great iniquity; and he would add that, when that separation was once made, the monopoly was also extinguished. Neither had he denied that those wretched revenue posts to which the hon. Baronet had referred, were sometimes given to natives; but his complaint was unanswered by the hon. Baronet, that in conferring such posts the Court of Directors appeared to suppose that they sufficiently responded to the intentions of the Legislature, and that their obstinate exclusion of natives from the higher and more worthy objects of an honourable ambition might be connived at. The hon. Baronet's magnificent portraiture of the recent doings of the Company in the department of public works was presented only to mislead, not to direct their attention. Two rows of figures were worth all the statistical embellishments in the world. He held in his hand an account printed by the Cotton Committee of 1848 of the amount of increased debt and receipts of net Indian revenue, and that of disbursements on Indian public works (including the so much belauded gaols of the hon. Member for Guildford), during the period of 1831—1846-7. The former amount was 186,000,000*l.* sterling, the latter only 1,446,400*l.* sterling, or about an 180th part of the sum received; and it was, nevertheless, true that during the same period there had been disbursed in London, out of that amount, by the Directors, not less than 36,109,052*l.* sterling, or about one-fifth part of the whole. He would not re-state what he had said of the tendency of the revenue to retrograde; but when he heard hon. Members talk of twenty-one or twenty-five millions sterling of revenue being received within one year, it was clear that they meant the gross and not the net amount, for the latter was always greatly less than twenty millions, and that in every year since 1833, there had been a deficiency below expenditure. True it was that for the present year there had been laid on the table a hastily-prepared abstract of accounts not due until next June or July (a most suspicious instance of official readiness for inquiry!) from which it appeared that in the current year there would be a balance in favour of the Indian treasury. But when that paper was examined, it would be found that the pretended increase was made up of Punjab prize money, of the estimated proceeds of the sale of the spoils of war, and of Runjeet Singh's crown jewels (which had not realised the amount so estimated), of the profits of an accidental good year in that most precarious and ruinous speculation, the opium monopoly, and other casualties; and that, when these deductions were made, there was again an enormous excess of expenditure over income. He agreed with the hon. Members for Montrose and Manchester in thinking that this debate had been productive of much good; and he thought that in yielding to their suggestions, and not pressing his Motion to a division, he was consulting the interests entrusted to his charge. He had heard with great satisfaction the announcement of the Prime Minister, that there should be an inquiry into these subjects before a Committee of the House; although, for the reasons he had stated, he regretted that there was not also to be granted a Commission of Local Inquiry to proceed to India. He was contented to ask leave of the House to withdraw his present Motion.

Motion, by leave, withdrawn.

OATH OF ABJURATION (JEWS).

LORD J. RUSSELL: I rise, Sir, pursuant to notice, to move for a Committee of the whole House, to take into consideration the mode of administering the Oath of Abjuration to persons professing the Jewish religion. But I must first request that the Resolution ordered to be entered in the Journals of this House on the 5th of August last be read.

The Resolution was accordingly read by the Clerk at the table, as follows:—

> "That this House will, at the earliest opportunity in the next Session of Parliament, take into its serious consideration the form of the Oath of Abjuration, with a view to relieve Her Majesty's subjects professing the Jewish religion."

LORD J. RUSSELL? I rise, Sir, in consequence of that Resolution, which was voted by the House in the last Session of Parliament, to move that the House resolve itself into a Committee to consider the disqualifications affecting the Jews. I have so often stated the reasons why I think the Jews ought to be relieved from those disabilities, that it is not necessary now that I should go at any length into the arguments on this subject. But there are some circumstances which require to be stated, as they place this question in a somewhat different position from that in which it formerly stood. The House will remember that the hon. Member for the city of London, Baron Lionel de Rothschild, having presented himself at the table of this House, proposed to take the Oath upon the Old Testament, and that that desire was complied with by a Resolution of the House; that, on proceeding to take the Oaths, he repeated them after the Clerk until he came to the words in the Oath of Abjuration—"Upon the true faith of a Christian;" that he then declined to repeat those words, stating that they were not binding upon his conscience. Baron de Rothschild was then desired to withdraw, and the House came to the resolution that they could not admit him to take his seat, as a Member of the House, unless he took the whole of the Oath appointed to be taken by a Member on taking his seat. It therefore appears that there was no obstacle whatever to Baron de Rothschild taking his seat, except his objection to use these words. It becomes, therefore, still more material than it was, to consider with what purpose these words were inserted in the Oath now taken at the table. It appears, by the report of the Select Committee appointed to consider the oaths taken by Members of this House, that it was in the reign of Queen Elizabeth that the Members were first required to take an Oath at the table, upon the Holy Evangelists, and that the words now in question were for the first time introduced into an Oath appointed to be taken in the reign of James I. It will appear also to any one who has attended to the history of that period, that these words were introduced to give solemnity to the Oath, and not with the view to exclude the Jews; that they were introduced to give solemnity to the Oath by which the allegiance of those who took that Oath was secured. I have no doubt whatever, that the words "on the true faith of a Christian" were introduced into the Oath with no other object than that which I have now described. I believe that the words, "So help me God," were introduced with exactly the same purpose. Now I do not mean to say that in those times a Jew would have been admitted to a seat in Parliament; that was an entirely different question; but what I argue—and this I think cannot be disputed—is, that the words which formed the sole obstacle to Baron de Rothschild's taking his seat as a Member of this House, were not inserted for the purpose of excluding Jews from Parliament, but with a totally different object. They were inserted to meet the case of Christians whose allegiance was suspected. If the meaning of Parliament had been different, they would have adopted a different course, and have required information as to the religion of each new Member. Instead of merely tacking the words "on the true faith of a Christian" to the end of the Oath, a formal profession of Christianity would have been demanded. This was made still more clear by the course adopted in the time of the Commonwealth, when a formal profession not only of Christianity but of Protestantism was required from each Member of Parliament. On the 24th of June, 1657, it was resolved—

> "That every person who now is or hereafter shall be a Member of either House of Parliament, before he sit in Parliament, shall, from and after the 1st day of July 1657, take an oath before persons to be authorised and appointed by your Highness and successors for that purpose, in the form following:—'I, A. B., do, in the presence of and by the name of God Almighty, promise and swear, that, to the uttermost of my power, in my place, I will uphold and maintain the true reformed Protestant Christian religion in the purity thereof, as it is contained in the Holy Scriptures of the Old and New Testament, and encourage the profession and professors of the same; and that I will be true and faithful to the Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the dominions and territories thereunto belonging, as chief magistrate thereof, and shall not contrive, design, or attempt anything against the person or lawful authority of the Lord Protector, and shall endeavour, as much as in me lies as a Member of Parliament, the preservation of the rights and liberties of the people.'"

Here, it is very clear, that a Member so swearing, professed to be of the Protestant Christian religion, and the Oath was taken for that purpose. There is no trace in any subsequent legislation, to the time of George I., that there was any intention to make this Oath binding for the special purpose of excluding Jews from Parliament; but there are two Acts, the one the 10th of George I., with respect to Papists registering their names as to real estate, and the other, the 13th of George II., for naturalising persons in His Majesty's Colonies in America, and by those two Acts it is provided that if Jews presented themselves to take the Oath, the words "on the true faith of a Christian" should be omitted; and it was argued by the present Master of the Rolls, whom I am glad to see again in this House, that Parliament having passed these Acts in that special case, to declare in that case that persons should not be obliged to use the words "on the true faith of a Christian," it was evidently the intention of Parliament, that without the sanction of Parliament, those words should not be omitted. It appeared to me that that argument was valid, and that consideration is, I think, the only consideration which could have prevented this House in August last from admitting Baron de Rothschild to sit in the House, according to the manner in which Mr. Pease, the Quaker, was admitted some years ago. I think if it were not for these Acts of Parliament the general argument would be good—that every person ought to take the Oath in the manner most binding on his conscience. That is the principle and doctrine laid down by Lord Hardwicke and other authorities in the law; and I think that doctrine would have prevailed in this case, where it is evident the words were originally introduced, not for the purpose of excluding Jews, but to give a solemn sanction to the substance of the Oath tendered. However, such being the case, I think it must be admitted that persons professing the Jewish religion cannot well take their seat in this House unless Parliament relieve them from that part of the Oath to which they object. The question therefore is, whether we shall proceed to take away the obligation that now exists of taking that part of the Oath, and whether persons professing the Jewish religion shall be permitted to be sworn at the table of this House, omitting those words? That is a question upon which I have argued at various times, and troubled this House so often, that I do not mean to enter into it further at present than to say that it really comes to the bare question, whether religious opinion is to disqualify for political and civil rights. With regard to the Jew, there can be no objection made to the moral law to which he is subject—the moral law by which the Jewish nation were governed in the time of our Saviour. Nor can there be any objection to the manner in which Jews conduct themselves in this country—loyal subjects and moral members of society. Upon neither of those grounds can there be any objection made to the Jews. The Jews born in this country, as is well known, profess the same allegiance to the Crown, are ready to take the same Oath as other subjects of Her Majesty; and those who have been admitted to office, those who have been acting as magistrates, sheriffs, or as members of corporations, have discharged their duty as fully and completely as any other members of the community. Neither can it be supposed that, considering the small number of Jews in this country, those who may be elected by the constituent bodies of the country can make any real difference as to the character of the legislation of this House. It must be a Christian Parliament whether or no they are admitted, and the fact of there being one or two or possibly three Jews in this House, cannot alter the general character of it. It therefore comes, as I have said, to the bare question, whether the difference of religion between the Jew and the Christian should be such as to deprive the Jew of the admission to civil offices and political privileges. Upon that ground it has been often argued, and I think it has been shown most conclusively, that acts, and not opinions, are what we ought to legislate for, and that there is nothing to prevent the Jew from sitting in Parliament.

Motion made, and Question put—

"That this House will immediately resolve itself into a Committee, to take into consideration the mode of administering the Oath of Abjuration to persons professing the Jewish religion."

SIR R. H. INGLIS said, that he, too, would follow the example of the noble Lord, and abstain from entering into a general repetition of those arguments which had been adduced on former occasions. Yet he need offer no apology for resisting the present proposal of the noble Lord; inasmuch, as on principle, he had for the last twenty years opposed every measure of a similar kind, and had seen increasing reason to continue that opposition. His noble Friend had begun by stating the origin of the introduction of the words, "On the true faith of a Christian;" but he forgot to say, that, whether those words were omitted or not, the obligation would have been equally conclusive as regarded the Jews; because, at the very time when they were introduced, the oath must have been taken on the book of the Holy Evangelists. He defied any person to contradict him when he said, that, from the earliest period of English history, no oath for the admission to any legislative situation whatever had ever been taken except on some symbol of the Christian faith, if not on the Holy Gospels. But this measure was not merely for the admission of Jews into Parliament, but for the admission of men of all religions, or of no religion, as far as profession was concerned. He could hardly understand that doctrine, even if applied to a new country, much less to this; and he should hold it to be a base dereliction of their duty to that God whose servants they professed themselves to be, if they ever introduced any form of government which did not proceed on His faith and fear, and if they did not, believing in the Gospel, desire that the Gospel should spread wherever their influence might extend, and be the foundation of all their proceedings in public, as in private. It was possible, but hardly probable, that the number of Jews who might be admitted to Parliament, if the measure of the noble Lord were carried, would not exceed two or three; but the principle was conceded as much if there were only three, as if there were thirty; and the noble Lord and his Government had, within the last week, sufficiently seen that the power of a small body, shifting its balance as occasion required, could create considerable inconvenience, even in a worldly and secular point of view, when they were always ready to encumber either party with their aid or their opposition. Was it well to suppose that the admission into the Legislature of a body so alien to Christianity as the Jews, might not be an important element in their deliberations? Because this was not a country in which Christianity was an open question—in which there was no Established Church—in which there was nothing to be decided but a question of corn and cotton. There was something more important to their deliberations than any material interests; and for that Legislature he was anxious to maintain the character of a Christian assembly. If this measure were adopted, there would be nothing to prevent Parsees, and Mahomedans, and Brahmins, becoming Members of that House; and some hon. Members had said they saw no objection to that; but he could not but conceive that the admission of such a principle as that would exercise a most serious and injurious influence on the rights of the Established Church in this country, and through that upon Christianity; and, through Christianity, upon the best interests of the empire. It was from no disrespect to the Government or that House, which, by a Resolution, was pledged in the present Session to take the subject into consideration, that he opposed the Motion of his noble Friend, but from a deep and perfect conviction that the course of proceeding on which the Government now asked the House to enter was a course fraught with difficulty and danger—difficulty to the Government itself, and great danger to the highest interests of the country. Whether Christianity were, or were not, part of the law and constitution of England—a doctrine which he had never abandoned—this, at least, was clear, that it was part of the creed of the Jews to regard Him whom we professed to revere as a crucified impostor; and could he (Sir R. Inglis) willingly admit any one of that creed to legislate for the Christian people and Christian institutions of this country? No earthly consideration would induce him to open the doors of that House to those who—conscientiously he did not deny—seriously, he did not doubt—entertain that doctrine; but who, exactly in proportion as he admitted their sincerity and conscientiousness, must, as he believed, use the influence which they possessed, if not for the overthrow of our Church and of Christianity, at least to disparage every Christian institution and every Christian principle. He, therefore, should move the rejection of this measure, by proposing that the House should resolve itself into Committee that day six months.

Mr. M. GIBSON said, that having been one of the supporters of the introduction of the former measures, he did not wish to delay the present Motion by any argument on the question which had been raised by the hon. Baronet the Member for the University of Oxford. He was surprised, however, that—if the hon. Baronet considered it so important that all the Members of the Legislature should be in a condition from their faith to legislate, as he called it, for the interests of the Church and of religion—he should be contented with so imperfect a security, merely amounting to this, that if a man would only say he was a Christian, the hon. Baronet would believe him, and at once admit him into Parliament. But his (Mr. Gibson's) object in rising was merely to call the attention of the House to the position in which they were placed with reference to this question—a position, he would presume to say, somewhat humiliating. In fact, persons out of doors hardly gave them credit for being in earnest on the question. Let him remind the House that Baron de Rothschild was first elected at the general election of 1847, and now they were in 1851, and in the middle of 1851 bringing in a Bill with the view of removing the tests which prevented Baron de Rothschild now taking his seat and representing the interests which had sent him there. Twice he had been elected, and twice had a Bill passed that House legalising his admission, but twice had that Bill been rejected elsewhere. He thought it would have been fitting for the Government, in the year 1850, after the second election of Baron de Rothschild, to have again introduced their Bill, and to have ascertained whether the other branch of the Legislature would have a third time rejected it. All that had been done in the previous Session was the common plan of getting rid of a difficulty, namely, to refer the matter to a Committee to inquire. Surely the House must have had sufficient information, or the Bill of 1848 could not have been introduced, nor would it have been proper again to introduce it in 1849. At the end of last Session they had passed a Resolution pledging themselves to introduce it at the earliest possible period in the present Session. Yet it was now introduced at a much farther advanced period than on the previous occasions. He thought it should have been introduced at the beginning of the Session, and have taken precedence of all other public business; because there was a most important constituency unrepresented, and a Resolution of the journals pledging the House to consider the question at the earliest possible period. He did not see how they could stand before the country, and say they had done their duty in allowing so long a period to pass before bringing in this Bill. He hoped he might understand from the noble Lord that he was now in earnest in pressing this measure, and that if it were rejected a third time in another place, some decided steps would be taken by the Government to prevent so important a principle of civil and religious liberty being set aside—that the noble Lord would, in short, make it a Government question, and insist that it was not consistent with his duty to submit to these repeated refusals. He had merely risen for the purpose of making this appeal. When he met gentlemen of his acquaintance, of the Jewish persuasion, and informed them that their question was going on, their answer was that the House was not in earnest, or the question would not have been postponed for four years. Knowing that to be the general opinion, he had felt it his duty to address these few observations to the House.

Mr. PLUMPTRE hoped the House and country would show themselves in earnest, determined to reject this Bill; and he could not but express his deep regret that the noble Lord (Lord J. Russell), in again pressing this measure on the House, should so little have respected as he seemed to do the religious feeling of the country; because, whatever might be the feeling of that deliberative assembly, simple and unsophisticated minds out of that House took no other view of this question than the religious view. Nor did he know how it could be understood under any other aspect. The question was, whether into that professedly Christian assembly Jews were to be admitted? He believed that the overwhelming majority of the people of this country were strongly and decidedly of opinion against such a measure. They ought in that House to be engaged in passing laws directly or indirectly depending on the honour and will of Him after whose name they were called. There could be no doubt that the Jews were an extraordinary people. They were the most wonderful, as well as the most ancient, of nations; but they had rejected and continued to reject Him whom Christians honoured; and he must confess, as professing Christians, that they, the House of Commons, were laid under the deepest obligations to maintain the honour of His name. This was not a mere matter of form, because, by neglecting to maintain that honour and reverence, they exposed themselves to the charge of deep ingratitude; and he had no scruple in saying that they would be guilty of the deepest ingratitude if they took into their counsels men who rejected that divine name; and, further, he would add, that it was not only a matter which would expose them to the charge of ingratitude, to the Divine Founder of the Christian religion, but expose the country also to great peril, for it was by His authority that kings reigned, and no State or nation could safely disregard its allegiance to Him. That was the view that he took of this most momentous subject, and he could not sit down without expressing his conviction that the Christian feeling of the country would be deeply wounded if any such measure as that now proposed became the law of England.

Mr. WEGG PROSSER begged the indulgence of the House for a few moments, while he explained the motives which actuated him upon this subject; and he would at once avow that the difficulties of the question were such that he saw only one way of escaping from them, namely, by abstaining from voting. He took it for granted that the House would remember that this proposition was the same with that made in the first Session of this Parliament. One year it assumed the form of a measure for modifying the Oaths taken by Members of that House generally, and in that shape he had voted for it, because he considered that those oaths were a mockery of religion and a snare to the conscience, But now the question was to be considered merely with reference to the Jews; and he must say that there was much to recommend it, for he could not shut his eyes to the fact that this country had agreed to the principle of religious liberty, the principle that a man should not have any restrictions placed on him on account of his religious opinions. In using the words "religious liberty," he must explain clearly what he meant; he fully believed that a man was just as responsible to his Creator for his religious belief as for his moral actions; but that the true definition of religious liberty was that, as regards the State, a man should be left perfectly free. That being the principle on which this country had decided, it remained to be considered whether the case of the Jews was an exception. Now, a great many hon. Gentlemen seemed to think that it was our duty to be the executors of the vengeance of Almighty God on that people; but he did not enter into that feeling: he thought that the Jews were undergoing a severe punishment from God for their sins, but that we were not called upon to inflict that punishment; and were it not that he felt reluctant to quote Scripture in the House, he could point out a passage which warned us not to boast ourselves against the ancient branches of the olive-tree. Again, it had often been said that as this was a Christian country, so should the Legislature be Christian; but to that a very easy answer might be given—that this country was not exclusively Christian, so it did not necessarily follow that the Parliament should be exclusively Christian. There was another argument against the admission of the Jews, which rested on the ground that they were aliens: this was something like the argument against the Roman Catholics, that they owed a divided allegiance; and, in both cases, every man who reflected on the subject without prejudice must see that this argument was utterly worthless. Every one born in this country, and making it his own, had a right to all the privileges of British subjects. There was, however, one consideration which induced him to hesitate in giving his assent to this proposition, and it was this, that the House of Commons governed the Church of England, and legislated generally upon religious matters, and did not confine itself to purely political questions. If they went back to the old practice of the constitution, and only admitted members of the National Church to seats in Parliament, then the House of Commons might, consistently enough, meddle with religious subjects; but it was impossible to go back to the ancient practice—they must go forward. If they went forward so as to return a Parliament which confined itself to the consideration of matters strictly social and political, as it ought, he could see no reason why persons professing the Jewish or any other religion whatever, should be excluded. He would also remark that it was a question whether after the Bill had been repeatedly rejected by the House of Lords, it was right in the House of Commons to press it; that, however, was a minor consideration, with which he did not think it necessary to detain the House. But he could not help asking whether it was consistent in the Government to be one day bringing in a Bill to admit Jews into Parliament, and confer important civil privileges upon them, and another day to be carrying on what he could not forbear to characterise as a piece of petty persecution against a large body of their Christian fellow-subjects. He hoped he should soon see the day when the difficulties which stood in the way of this question would be removed, and when persons of all religious opinions would be admitted to Parliament; and he wished that not merely for the advantage of the State, but for the good of religion itself: because in such a state of things the one true religion would be brought out in its best and purest colours, and would be established on the surest and most lasting foundations.

MR. NEWDEGATE said, the last time he had heard the right hon. Member for Manchester on an analogous subject to that before the House, was on an appeal to the House to do nothing as against Papal aggression, and quietly submit to the insults of the Pope. Now, however, the hon. Gentleman not only urged the House, in a fever of energy, to press the measure before them with a vigour which he (Mr. Newdegate) felt persuaded was not in sympathy with the feelings of the House, but actually demanded that the House of Lords should be swamped if they again vindicated their independence and privileges by rejecting it. The connection between the subject under discussion and Papal aggression was palpable enough; and he could not conceal his opinion that foreigners must think but lightly of the professions of Protestantism made by the people of England when they saw a large majority of the House of Commons dealing in the way they did with the question under consideration; and he (Mr. Newdegate) could not help thinking that Pius IX. seeing, Session after Session, how this majority, with the Government at its head, had acted in the matter—seeing how anxious they seemed to be to erase from their oaths the test of Christianity, had not unfairly come to the conclusion that Protestantism was nugatory, and had therefore acted accordingly. Every Session that had passed—every discussion that had taken place—tended to confirm the profound dislike with which the country viewed the measure. And though they might lament the somewhat acrimonious discussion which it had given rise to, yet that discussion had done this good—it had elicited the all-pervading feeling of attachment of the people of England to the national religion. He would not do more on the present occasion than express his regret that Her Majesty's Government and the noble Lord should feel bound to persevere in the course which he conscientiously believed they did not heartily approve of; but of this he was certain, that if they did approve of it, they must be blind to circumstances which had lately occurred, and which had most remarkably characterised the period during which this subject had been under discussion.

Motion made, and Question put—

> "That this House will immediately resolve itself into a Committee, to take into consideration the mode of administering the Oath of Abjuration, to persons professing the Jewish religion."

The House divided:—Ayes 166; Noes 98: Majority 68.

List of the Ayes.

Adair, H. E.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Anstey, T. C.
Armstrong, Sir A.
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hn. Sir F. T.
Barnard, E. G.
Barron, Sir H. W.
Bell, J.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Blake, M. J.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Burke, Sir T. J.
Butler, P. S.
Cardwell, E.
Childers, J. W.
Clay, J.
Clerk, rt. hon. Sir G.
Cockburn, Sir A. J. E.
Colebrooke, Sir T. E.
Collins, W.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, W. S.
Cubitt, W.
Dalrymple, Capt.
Dawson, hon. T. V.
Denison, J. E.
D'Eyncourt, rt. hon. C. T.
Disraeli, B.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
Ebrington, Visct.
Ellis, J.
Evans, W.
Ewart, W.
Fagan, W.
Fitzroy, hon. H.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fox, W. J.
Freestun, Col.
French, F.
Gaskell, J. M.
Gibson, rt. hon. T. M.
Gilpin, Col.
Grace, O. D. J.
Granger, T. C.
Grey, rt. hon. Sir G.
Grey, R. W.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Heathcoat, J.
Henry, A.
Heyworth, L.
Higgins, G. G. O.
Hobhouse, T. B.
Hodges, T. L.
Hogg, Sir J. W.
Hume, J.
Humphery, Ald.
Hutchins, E. J.
Hutt, W.
Jackson, W.
Keating, R.
Keogh, W.
Kershaw, J.
Labouchere, rt. hon. H.
Langston, J. H.
Lemon, Sir C.
Lewis, G. C.
Locke, J.
Loveden, P.
M'Gregor, J.
M'Taggart, Sir J.
Maher, N. V.
Mahon, The O'Gorman
Mangles, R. D.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Monsell, W.
Morris, D.
Muntz, G. F.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, J.
O'Connell, J.
O'Connell, M. J.
O'Flaherty, A.
Ord, W.
Osborne, R.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Pigott, F.
Pilkington, J.
Pinney, W.
Power, N.
Powlett, Lord W.
Price, Sir R.
Prinsep, H. T.
Rawdon, Col.
Reynolds, J.
Ricardo, O.
Rice, E. R.
Robartes, T. J. A.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Sadleir, J.
Salwey, Col.
Scholefield, W.
Scully, F.
Seymour, Lord
Shafto, R. D.
Smith, rt. hon. R. V.
Smith, J. A.
Somerville, rt. hn. Sir W.
Stanton, W. H.
Staunton, Sir G. T.
Strickland, Sir G.
Sullivan, M.
Talbot, J. H.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. G.
Townley, R. G.
Townshend, Capt.
Tufnell, rt. hon. H.
Vane, Lord H.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Walmsley, Sir J.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Williams, W.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the NOES.

Acland, Sir T. D.
Arkwright, G.
Ashley, Lord
Baird, J.
Barrow, W. H.
Beresford, W.
Bernard, Visct.
Best, J.
Blackstone, W. S.
Blair, S.
Bowles, Adm.
Bremridge, R.
Brisco, M.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Carew, W. H. P.
Christy, S.
Clive, H. B.
Currie, H.
Davies, D. A. S.
Dick, Q.
Drax, J. S. W. S. E.
Duncombe, hon. A.
Duncuft, J.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Farrer, J.
Filmer, Sir E.
Floyer, J.
Forbes, W.
Gallwey, Sir W. P.
Galway, Visct.
Gooch, E. S.
Goulburn, rt. hon. H.
Grogan, E.
Gwyn, H.
Halford, Sir H.
Hamilton, G. A.
Hayes, Sir E.
Heald, J.
Henley, J. W.
Hildyard, R. C.
Hotham, Lord
Jones, Capt.
Lacy, H. C.
Lennox, Lord A. G.
Lindsey, hon. Col.
Lockhart, A. E.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lygon, hon. Gen.
Macnaghten, Sir E.
Mahon, Visct.
Miles, W.
Moody, C. A.
Moore, G. H.
Morgan, O.
Mullings, J. R.
Mundy, W.
Napier J.
Neeld, J.
Neeld, J.
Ossulston, Lord
Pakington, Sir J.
Palmer, R.
Peel, Sir R.
Pennant, hon. Col.
Plowden, W. H. C.
Plumptre, J. P.
Reid, Col.
Rendlesham, Lord
Renton, J. C.
Rushout, Capt.
Seymer, H. K.
Sibthorp, Col.
Smollett, A.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stuart, J.
Sturt, H. G.
Taylor, T. E.
Thesiger, Sir F.
Tollemache, J.
Trevor, hon. G. R.
Tyler, Sir G.
Vesey, hon. T.
Waddington, H. S.
Walpole, S. H.
Welby, G. E.
Wellesley, Lord C.
Wigram, L. T.
Wodehouse, E.
Yorke, hon. E. T.

TELLERS.
Inglis, Sir R. H.
Newdegate, C. N.

DESIGNS ACT EXTENSION BILL.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. ARKWRIGHT said, he objected to the House making a temporary law of this kind for the benefit of any class of individuals, however influential that class might be. He had heard no reason given why this Bill should be introduced; in fact he did not think that a Bill of the nature was at all required. He thought, too, when he referred to the evidence which had been taken before the Lords' Committee, he should be able to show the House that it was wholly unnecessary. The effect of the Bill would be to give to the foreigner who was the proprietor of a design an advantage which he had not at present, and deprive English inventors of the rights which they now enjoyed. He was perfectly aware that the Report of the Lords' Committee referred to a Bill very different from that which was introduced into the House of Lords; but he considered that the evidence contained nevertheless, in that Report materially affected the provisions of the Bill. Another objection which he entertained to the measure was, that it would give an advantage to the foreign over the home producer. On looking over the evidence, he found that one witness was asked how he thought the Bill would operate with respect to English inventors abroad, and foreign inventors in this country? The answer he gave was, that the foreign inventor would first take out a patent abroad, and then come and obtain one in this country, and by this means have the benefit of the Act, while the English inventor, by publishing his patent before the world, would lose all right to a foreign patent, except in America; that, in fact, unless foreign countries passed a reciprocal law of some sort, every foreign country except America might, if it liked, take advantage of this patent. The witness further said, that in order to secure a patent from being infringed in foreign countries, it would be absolutely necessary to take out a patent in those countries before he secured one in England. These witnesses all agreed in opinion that the Bill would be decidedly disadvantageous to English inventors; and believing that nothing could be more injurious than to give foreigners a privilege which they never before possessed, and to deprive Englishmen of the rights which they now had, he should move that the House resolve itself into a Committee on the Bill this day six months.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'this House will upon this day six months resolve itself into the said Committee,' instead thereof."

MR. LABOUCHERE said, he hoped the House would not agree to the Motion of the hon. Gentleman, but would allow the Bill to be considered in Committee. He need not remind the House that the Bill came down from the House of Lords, where it was very carefully considered by a Select Committee, and considerably amended; and at last, after much consideration, sent down in its present shape. It was true that many objections were offered to various particulars by the witnesses who were examined before the Committee; but those objections had reference to the Bill which was originally introduced into the House of Lords, and not to the Bill now before the House. Of all the witnesses examined, he believed only one, a very respectable gentleman no doubt, was not altogether satisfied with the present Bill; but he stood along in his opinion. The hon. Gentleman (Mr. Arkwright) even stated that the Bill was not required; but he could assure the hon. Gentleman that he had received applications, not from foreigners only, but from Englishmen, from persons resident in Birmingham and different parts of the country, who intended to exhibit their inventions at the proposed Exhibition; all asking him to support the measure which had been brought into the House, as they considered it would protect their inventions. He must say, that of all the Members of that House, when he called to mind the illustrious name which the hon. Member bore, he thought the hon. Member was the last man who could be expected to oppose any Bill for the protection of ingenuity and inventions—whether of foreigners or Englishmen; for he contended that the foreigner would not be more benefited by the Bill than the Englishman. No preference would be given to the one or the other, and he believed that this country would ultimately derive great benefit and advantage from the inventions which would be brought here from the different parts of the world. All objections to the Bill would be much better met and discussed in Committee. His hon. Friend the Master of the Rolls, who had given infinite attention to the subject, would be prepared to defend the provisions of the Bill in Committee, and he believed he would have to suggest some Amendments if the House consented to go into Committee. He, therefore, hoped the House would not delay going into Committee, where the alterations and amendments could only be properly considered.

Mr. SPOONER said, he hoped his hon. Friend (Mr. Arkwright) would not object to this Bill going into Committee. There were many imperfections in the Bill, but he thought they might be remedied. He could fully concur in what had fallen from the right hon. Gentleman the President of the Board of Trade, that there were many persons intending to exhibit but who would not do so if such a Bill as this were not passed.

Colonel SIBTHORP said, he should support his hon. Friend (Mr. Arkwright) in his opposition to this Bill. The right hon. Gentleman the President of the Board of Trade said his hon. Friend (Mr. Arkwright) was the last person who ought to have risen in opposition to this Bill. Now he thought the hon. Gentleman had done himself much credit, and had shown a proper feeling towards his country, and that he was not to be dictated to by a mercenary Treasury bench. They held together *per fas et nefas*. The right hon. Gentleman said there was a necessity for bringing in a Bill of a similar character to that before the House. Why, as he had before stated, a Committee had reported in 1829 that an alteration in the patent laws was necessary; but nothing had been done from that time to this by the President of the Board of Trade, or any of Her Majesty's Government. And now they propose an alteration, all in consequence of this Exhibition. The Bill was foisted on the House on account of the concern in Hyde Park, and of the set of foreigners for whose benefit that concern had been got up. In fact, he had no end of communications corroborating this opinion about the matter, and about the—he knew no epithet too strong to apply to it—concern in Hyde Park; a concern full of trickery, fraud, and immorality—a concern by which morality, virtue—(*Much laughter*)—he was not surprised to hear virtue and morality sneered at in that assembly—by which virtue, morality, religion, social good feeling, prudence—by which all these things would be destroyed. It was nothing more or less than an encouragement of the hypocritical foreigner at the expense of the industrious Englishman. He would bow to no one, he was subservient to none; and, next to his loyalty to the Queen, his warmest feeling was for his fellow-creatures, who, he was afraid, were too much forgotten in the present day. By his fellow-creatures he meant the industrious workmen of this country, and not your fawning hypocritical foreigner. He would admit that there were respectable persons in every country, but it was not for them that this Bill was intended. The mechanics of this country had been too much forgotten, notwithstanding that they paid rates and taxes, and had clothed more than half the Treasury bench. With such, his honest feelings, he should be ashamed of himself if he did not rise and protest against such a system of trickery, fraud, and corruption. He should certainly support the Amendment of his hon. Friend.

Mr. MUNTZ did not rise to complain of Her Majesty's Ministers for introducing this Bill; but he must say that he doubted the policy of the Bill, and the wisdom of those who sought for it. His experience of the patent laws would prevent him from exhibiting anything for which he subsequently intended to take out a patent, and every man who did would repent his folly. The Englishman who exhibited under the protection of this Bill, would have his patent in England secured to him; but the foreigners could take away the invention and obtain patents for it, if they chose, in every country in Europe. The foreigner who exhibited would be protected by this Bill from English competition, and would suffer no loss in his own or in foreign countries. In his opinion, it was a Bill decidedly to the advantage of the foreigner.

Mr. GROGAN would support the Amendment, especially after the evidence read by the hon. Gentleman who moved it, and the speech of the hon. Member for Birmingham, with whose remarks he completely concurred. He thought there was more in this measure than struck the eye. A large shop in Regent-street had just been opened; and it was covered with placards in French, English, Spanish, German, Italian, and other languages, announcing that goods sent to the Exhibition, and others which had come too late, would be sold there. Here, then, was a bazaar, part and parcel of the Exhibition—an offshoot from it—for the express purpose of receiving similar goods and exhibiting them for sale. What would be the result? Suppose a person going to the Exhibition; he would behold there a great number of very beautiful specimens of jewellery, silk, or whatever it might be, that would please his fancy or suit his wants; and he would see an advertisement telling where he could procure them. Thus a vast quantity of foreign goods would be disposed of in England to the prejudice of the native producers.

The MASTER of the ROLLS said, that any man who took out a patent in this country was obliged to specify his invention. Any foreigner might come and take that specification, and obtain a patent in his own country. He could not be prevented, unless the English inventor, on taking out the specification in this country, took out a patent for a foreign country. No law passed in this country could affect the law of another country. If an Englishman wished to show an invention at the Exhibition, he would act as in ordinary cases. He might be satisfied with an English protection, or if not, he might apply for a patent in a foreign country. All that the Bill would do would be to give him protection in this country; and it would also give the foreigner protection in this country. But both the Englishman and the foreigner might take out a patent in a foreign country, and protect their rights exactly as in this country. The hon. Member for Dublin said that there was a shop in London where a great number of articles would be sold. At this moment, a person might import any quantity of goods on paying the duty for them; and when a great concourse of persons was expected in London, it was quite natural for persons to try to sell both foreign and English goods. The evidence taken before the House of Lords related to a different Bill. In consequence of that evidence, the Bill was modified, and the present Bill was the result of the evidence.

Mr. NEWDEGATE said, the objection of the hon. Member for Dublin was, that the Bill would give a patent right of protection to articles exhibited, which articles were to be sold at the shops. ["No, no!"]

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 132; Noes 42: Majority 90.

List of the Ayes.

Adderley, C. B.
Aglionby, H. A.
Anstey, T. C.
Baird, J.
Baring, rt. hon. Sir F. T.
Bell, J.
Bellew, R. M.
Berkeley, Adm.
Berkeley, C. L. G.
Bernal, R.
Blair, S.
Blake, M. J.
Boyle, hon. Col.
Brotherton, J.
Bunbury, E. H.
Burke, Sir T. J.
Carew, W. H. P.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Charteris, hon. F.
Chichester, Lord J. L.
Childers, J. W.
Christy, S.
Clay, J.
Clifford, H. M.
Cockburn, Sir A. J. E.
Collins, W.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, W. S.
Dalrymple, Capt.
Dawson, hon. T. V.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Ebrington, Visct.

Ellis, J.
Evans, W.
Fagan, W.
Fordyce, A. D.
Forster, M.
Freestun, Col.
Gallwey, Sir W. P.
Gaskell, J. M.
Grace, O. D. J.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Hall, Sir B.
Hallyburton, Lord J. F.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Heald, J.
Henry, A.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Hollond, R.
Jackson, W.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lewis, G. C.
Locke, J.
Lockhart, A. E.
Lockhart, W.
M'Cullagh, W. T.
M'Neill, D.
Mahon, The O'Gorman
Mangles, R. D.
Masterman, J.
Matheson, Col.
Maule, rt. hon. F.
Miles, P. W. S.
Morris, D.
Mulgrave, Earl of
Naas, Lord
Napier, J.
Nugent, Sir P.
O'Brien, J.
O'Connell, J.
O'Connell, M. J.
Ogle, S. C. H.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Pechell, Sir G. B.
Pigott, F.
Pilkington, J.
Plumptre, J. P.
Power, N.
Price, Sir R.
Rawdon, Col.
Ricardo, O.
Rice, E. R.
Romilly, Col.
Romilly, Sir J.
Russell, F. C. H.
Salwey, Col.
Seymer, H. K.
Seymour, Lord
Shafto, R. D.
Smith, J. A.
Smollett, A.
Somerville, rt. hon. Sir W.
Sotheron, T. H. S.
Spooner, R.
Stanford, J. F.
Stanton, W. H.
Strickland, Sir G.
Thicknesse, R. A.
Thompson, Col.
Thompson, Ald.
Thornely, T.
Tollemache, hon. F. J.
Townshend, Capt.
Tufnell, rt. hon. H.
Vivian, J. H.
Wakley, T.
Walpole, S. H.
Westhead, J. P. B.
Williams, J.
Wilson, J.
Wilson, M.
Wrightson, W. B.

TELLERS.
Hayter, W. G.
Hill, Lord M.

List of the Noes.

Baldock, E. H.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Beresford, W.
Best, J.
Bremridge, R.
Bunbury, W. M.
Burghley, Lord
Clive, H. B.
Davies, D. A. S.
Dod, J. W.
Duncombe, hon. A.
Edwards, H.
Farnham, E. B.
Floyer, J.
Forbes, W.
Frewen, C. H.
Galway, Visct.
Gilpin, Col.
Gooch, E. S.
Grogan, E.
Gwyn, H.
Halsey, T. P.
Hodgson, W. N.
Jolliffe, Sir W. G. H.
Knox, Col.
Lennox, Lord A. G.
Mackenzie, W. F.
Mullings, J. R.
Mundy, W.
Muntz, G. F.
Newdegate, C. N.
Newport, Visct.
Packe, C. W.
Renton, J. C.
Stanley, E.
Sturt, H. G.
Taylor, T. E.
Tyler, Sir G.
Waddington, H. S.
Yorke, hon. E. T.

TELLERS.
Arkwright, G.
Sibthorp, Col.

House in Committee.

Clauses 1 to 6 agreed to.

Clause 7.

The MASTER OF THE ROLLS said, as some objection had been taken to this clause, he would withdraw it for the purpose of substituting another, providing that protection shall be extended to all new and original designs, which shall be provisionally registered and exhibited, notwithstanding such designs may have been previously published and applied elsewhere than in the United Kingdom, provided that such designs have not been publicly sold or exposed to sale previous to such Exhibition. He now proposed to strike out the 7th Clause.

Mr. SPOONER understood that, if a foreigner had exhibited goods abroad and came here, he would have the same protection as if they had not been exhibited.

The MASTER OF THE ROLLS: Provided they have not been exposed for sale.

Sir W. JOLLIFFE said, the effect of the clause which it was proposed to insert, like that of all the other clauses, would be more for the protection and benefit of the foreigner than of the Englishman. They could not, by any measure of theirs, effectually interfere with the rights and interests of foreigners; and he therefore thought it unprofitable and unwise to attempt to legislate on the subject.

Mr. SPOONER said, that the objection of the hon. Baronet the Member for Petersfield seemed directed not so much against the Bill as against the Exhibition. He agreed with him, that there was a great deal of danger to be apprehended from the Exhibition; but, without a Bill of this kind, the danger would be still greater.

Clause struck out.

Mr. ARKWRIGHT objected to the preamble of the Bill, inasmuch as he wished that it should contain no allusion to the forthcoming great Show. He moved as an Amendment, that the preamble be, "Whereas it is expedient that such alterations in the law as hereinafter specified should be made," leaving out any further words.

Mr. LABOUCHERE thought that the preamble correctly described the object of the Bill, and therefore could not assent to the Amendment.

Mr. SPOONER feared that the recognition of the Exhibition in an Act of Parliament would hereafter form the foundation of a grant of public money. On his suggestion last Session, wards similar to those it was now proposed to omit were struck out of the preamble of a Bill.

The MASTER OF THE ROLLS thought it would be very absurd to object to the recognition of the Exhibition in the preamble, after the House had expressed approval of seven clauses of the Bill, which had no other object than to protect the interests of exhibitors.

SIR R. H. INGLIS was reminded, by the pause in the manner of the right hon. Gentleman the President of the Board of Trade when he got up to oppose the Amendment, of the way in which Dr. Johnson used to poise his sentences, so as to make it impossible sometimes to know whether he was going to answer a question in the affirmative or negative. He thought his right hon. Friend seemed uncertain, when he rose, what answer he would give. In his opinion, it would be far better that the House should not recognise in the preamble of any Bill the Great Exhibition, which it was declared, during last Session, should not be supported by any grant of public money. The recognition of the Exhibition in the preamble of this Bill might be employed as a reason for an application for money at a future period.

MR. GROGAN thought that the Bill would be equally effectual whether the words objected to in the preamble were retained or not, and they might, therefore, as well be omitted. If it were said that the words in the preamble of a Bill could not be employed as a precedent, it might be remembered that the insertion of the words "Archbishop of Dublin" in a private Act of Parliament had been, in the mouth of one of the great luminaries of the Roman Catholic Church, made use of as a justification of the proceedings that had taken place.

COLONEL SIBTHORP thought the Government, instead of proposing the present measure, ought to have introduced a Bill for reducing the heavy fees paid by poor men on taking out patents for inventions.

MR. ALDERMAN THOMPSON could not conceive how any precedent could be established by the mere mention of the word "Exhibition" in the preamble. It might be said, that the use of the word implied a pledge, but then it should be remembered, on the other hand, that the noble Lord at the head of the Government distinctly said last Session that he would be no party to making application for any grant of public money towards the Exhibition. ["No, no!"] He understood the noble Lord to have said so, and he thought that there was at present even less probability of such an application being made than there was last Session. He would give the Bill his cordial support; for he believed that if it were rejected great public inconvenience and disappointment would result to those manufacturers who had made valuable inventions, but who would be prevented from exhibiting them unless they were protected by some measure of this sort.

MR. KEOGH did not see any objection to the use of the word "Exhibition." He thought that they had had quite enough of Ecclesiastical Titles Bill, and the questions to which it related, and that there was no occasion for the illustration which the hon. Member for the city of Dublin had drawn from that subject. But as the matter had been alluded to, he (Mr. Keogh) wished to state that the Act of Parliament of which the hon. Member spoke, had been first brought forward as a justification of certain proceedings of the Government by a noble Lord in another place, who occupies the post of Colonial Secretary.

MR. SPOONER denied that any declaration had been made by Her Majesty's Government to the effect that no application should be made to Parliament for a grant of money to the Exhibition of 1851. He had twice pressed the Government to give such an assurance; but the only reply he had received was, that at that time there was no intention of making such an application.

MR. MULLINGS was surprised at the struggle which was made to retain the objectionable words. Would any one venture to say that the principle of the Bill would not be equally effectual if it only contained the words "whereas it is desirable to enact the things hereafter mentioned?" He suspected that there must be some secret motive for the introduction and retention of the words objected to.

MR. LABOUCHERE would not dispute what the hon. Gentleman had just stated. All he maintained was that it was preferable to have a suitable preamble to having an unsuitable one. The intention of the Bill was to protect exhibitors, and it was desirable that the preamble should state that intention. As to making any application for a grant of public money, the only pledge that the Government had given or ought to give was that there existed no intention of making such an application, and he believed there was less chance at present of any necessity for such an application than there was last year.

Mr. **HENLEY** said, the continuance of the conversation strengthened his apprehension and alarm. They had two hon. Commissioners, one of whom most strenuously asserted that he had no intention to apply for any money towards the Exhibition, but still he struggled to get the wedge in. The right hon. Commissioner on the Treasury bench only said, that there was less chance at present that such an application would be made than there was last year. That was not very satisfactory. He did not see why they should not pass over the Exhibition without any notice whatever, and as nothing that would afterwards give the Government a pretext for asking for a grant. As to the necessity of making the preamble agree with the Bill, he would suggest that that might be done by inserting in the preamble the expressions used in the first clause.

Mr. **WALPOLE** thought there was much in the hon. Member's suggestion, and would move that, instead of the phrase now objected to in the preamble, there be inserted the words used in the first clause.

Amendment proposed—

> "To leave out from the word 'Inventions,' in line 3, to the word 'Be,' in line 5, in order to insert the words 'In any place previously certified by the Lords of the Committee of Privy Council for Trade and Foreign Plantations to be a place of Exhibition within the meaning of the Designs Act, 1850,' instead thereof."

Sir G. **GREY** put it to the House if it was worth while to divide on such a question? He must say, if they were afterwards to ground an application for money upon the preamble as it now stood, it would be the weakest pretext that ever Government relied on. He thought they were not exhibiting themselves to any great advantage in thus shrinking from openly stating what was their objection to this Bill.

Question put, "That the words proposed to be left out stand part of the Question,"

The Committee divided:—Ayes 92; Noes 56: Majority 36.

House resumed. Bill reported with Amendments; as amended, to be considered To-morrow.

The House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Friday, April 4, 1851.

Minutes.] *Sat First.*—The Earl of Albemarle, after the Death of his Father.
Public Bills.—Mutiny; Marine Mutiny.
2^a Mills and Factories (Ireland).

COUNTY COURTS FURTHER EXTENSION BILL.

On bringing up the Report of the Amendments,

Lord **ABINGER** suggested that in difficult cases, and especially in cases involving questions of equity, it would be desirable that the Judge of a County Court should have the power of calling in an assessor.

Lord **BROUGHAM** replied that the Bill now before their Lordships was supplemental to the other measure on the same subject, and he did not wish that it should be encumbered with any provisions that could possibly be avoided. It was essentially necessary that no more time should be lost without applying some remedy to evils which formed the subject of very general complaint. He was much obliged to his noble Friend for the suggestion that he had made, but he thought it best to keep this Bill separate from the other.

Amendment *reported;* and Bill *recommitted* to a Committee of the whole House on *Tuesday* next.

House adjourned to Monday next.

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HOUSE OF COMMONS,

Friday, April 4, 1851.

Minutes.] New Member Sworn.—For Oxford City, William Page Wood, Esq.
Public Bills.—1^a Farm Buildings; Oath of Abjuration (Jews).

THE ESTABLISHED CHURCH—PUSEYISM.

Sir B. **HALL**: Mr. Speaker, I now take the opportunity of putting the question of which I have given notice, to my noble Friend at the head of the Government. I understand that the right rev. Prelate the Bishop of London has stated in another place that, in consequence of the extreme pressure of public business, it is not his intention to bring on any measure during this Session for the correction and control of clerks in certain cases, but that it is his intention to bring in the Bill which was rejected by Parliament in the last Session. Now, before proceeding to put the question of which I have given notice, I beg to ask my noble Friend if he has seen a letter in the *Times* of this morning which has reference to the inquiry I am about to make? It appears that a noble Lord who was formerly a Member of this House desired to have his child baptised at a church in Brighton on Saturday last; that he took that child to be baptised; and that the officiating clergyman, the Rev. Arthur Wagner, desired immersion, notwithstanding—[*Cries of* "Order!"]—I believe that I am perfectly in order, and I shall certainly insist upon my right to be heard. What I stated was this—that the noble Lord desired to have his child baptised; that the clergyman about to perform the ceremony insisted upon immersion; that the noble Lord and the mother of the child said that the child was in too delicate a state of health—

MR. BAILLIE COCHRANE: I rise to order. I wish to ask if the hon. Baronet is at liberty to enter into the circumstances of this case?

MR. SPEAKER: I understand the hon. Baronet to be only stating facts upon which he might found a question. He is, therefore, in order.

SIR B. HALL: I merely stated a fact on which I intend to base my question. The clergyman refused to baptise the child without immersion; and notwithstanding the statement of the father, the mother, and the nurse, that immersion would be dangerous to the existence of the child, he persevered in refusing to baptise it in any other way. The noble Lord added that his child had been refused admission into the Protestant Church unless at the risk of its life, that risk having been declared by a competent person. Now I will put the question of which I have given notice. The question I have to ask my noble Friend is, if he can tell us whether, during the last six weeks, he has had any communications with the Archbishops and Bishops of the Established Church in reference to the continuance of certain forms introduced into our churches by different clergymen, and against which certain of the bishops have charged their clergy; and whether it is the intention of the Archbishops and Bishops to take any effectual steps for the purpose of suppressing such practices, which the Bishop of London in a recent charge has denounced as histrionic performances? I wish to ask the noble Lord if he can tell us whether the archbishops and bishops intend to take any steps for the suppression of Puseyism in the Church of England?

SIR R. H. INGLIS said, he hoped he might be permitted to take that opportunity of moving that the House on its rising do adjourn to Monday next. He did so with the view of enabling hon. Members to take part in the very important question which had been introduced by the hon. Baronet the Member for Marylebone. He apprehended that it was competent for him to bring forward the Motion of which he had given notice at that time, and thus to acquire the right of saying a few words upon the question. Knowing nothing of the case which the hon. Baronet had mentioned, except the statement to which he had referred, namely, a letter in the *Times*, he could not help thinking that the utmost extent of liberty had been already adopted by the party principally interested. The noble Lord, whose child had been refused the rite of baptism, had appealed to the public, and by the decision of that public he might be satisfied to abide. But he (Sir R. Inglis) protested against that House being made the scene of such discussions—he protested against such questions being brought before a tribunal consisting of all persuasions, there being no person recognised as competent to defend any person connected with such questions. The House was incompetent to pronounce an opinion upon them.

SIR B. HALL: Sir, as the hon. Baronet the Member for the University of Oxford has made a Motion for the purpose of giving Members an opportunity of saying something upon this subject, I wish to make a few observations on what has fallen from my hon. Friend. He says, most justly and truly, and I entirely acquiesce in the remark, that this House is not the proper arena for discussions of this nature. But, Sir, there may be times and circumstances when matters are to be brought under the consideration of this Assembly, which are forced upon our notice because we have no other place where the representatives of the people can call in question the conduct of high functionaries, who, so long as they are the ministers of a Church in connection with the State, must be subject to the cognisance of the House of Commons. I do not wish to enter at all into my hon. Friend's opinions, but I have no hesitation in declaring my own; and when he says that this matter is put forward for public opinion and discussion, I say he is under a great mistake, because, although the public, from one end of the kingdom to another, have pronounced their decided opinion, there is not one of the right rev. Prelates who have denounced the practices to which I allude, who has had the boldness and the courage to come forward and remove them. But these right rev. Prelates go further than merely denouncing those practices. They say—"We believe the Papal aggression is owing very much to the practices which are adopted in our own Church;" and they have taken no steps to remove them. This makes it the more necessary for the House to take notice of these proceedings, for what has been stated by a right rev. Prelate elsewhere? Why, that in that place, where there is no public business at all, and where a noble Lord stated that a debate could not be continued after a quarter to eight o'clock, the pressure of public business was so great that he could not bring forward a certain measure, but that a Bill must be introduced of so objectionable a nature that it was scouted in that Assembly when it was proposed on a former occasion. And I say it is perfectly idle for persons holding that high position, and responsible to the Church and to the laity, to make evasions and promises, to give opinions and to put forward trumpery letters, and to say to the laity—"Be content with us, and if there is any dispute go to your diocesan." But to which or what bishop are they to go? For if they go to two different bishops, they will be brought to entirely opposite conclusions. And is this the way we are to be served? I say it is a disgrace and gross dereliction of duty that they should behave in this way, instead of coming forward and saying—"These practices should not be permitted to exist in the Church, and they shall be suppressed." I will not trouble the House further, but will merely thank my hon. Friend for giving me an opportunity of stating my opinions; and when the hon. Member for Cockermouth (Mr. Horsman) brings forward his Motion of which he has given notice, the right rev. Prelates may depend upon it we will go into the whole case, from the time when those extraordinary proceedings took place with which Mr. Bennett's name was connected, down to the case of the church in Wells-street.

LORD JOHN RUSSELL: I am exceedingly sorry that my hon. Friend the Member for Marylebone has thought it necessary to bring before the notice of the House the case which he has stated. With regard to the proceedings which have taken place in connexion with the sacred rite of baptism, we have no further information than the statement of a noble Lord in a newspaper, and no statement on the other side from the clergyman respecting the particular circumstances of the case, and the sense of duty under which he was acting. I certainly regret that my hon. Friend the Member for the University of Oxford, not being a Secretary of the Treasury, has taken the unusual course of moving the adjournment of the House, and thereby given rise to a discussion upon this subject. My hon. Friend the Member for Marylebone had given notice of a question to me, which is certainly a fair and proper question to be brought before this House, namely, as to the continuance of certain forms against which the bishops of our Church have pronounced an opinion. I stated some time ago, in answer to a question by my hon. Friend, that I had communicated with the Archbishop of Canterbury on the subject. I have not had any communication since that time with the most rev. Prelate; and I thought it was far better, as a Member of the Government and as a Minister of the Crown, that I should leave that matter in the hands of the Archbishops and Bishops, rather than be constantly interfering and asking the nature of their proceedings—what they had done, or what they intended to do. My hon. Friend knows that an address has very lately been published (signed by twenty-four archbishops and bishops of our Church, in which they declare their opinion as to certain usages which have not been hitherto generally practised. I will say nothing of that address but that it must have attracted the attention of every hon. Member of this House. I may also state that an address having been presented to the Crown through my right hon. Friend the Secretary of State for the Home Department, signed by 320,000 persons, many of them being Members of this and the other House of Parliament, praying that certain usages which have been recently practised may be discontinued, my right hon. Friend laid that address before Her Majesty, by whom it was very graciously received; and my right hon. Friend received Her Majesty's commands to make a communication to the Archbishop of Canterbury on the subject. That communication was to this effect. My right hon. Friend was commanded to refer the address to the Archbishop of Canterbury, with the view of its being communicated to the Archbishop of York and the other bishops of England and Wales, and to state that Her Majesty wishes to discourage any innovations which are not in conformity with the law, and which are not in conformity with the established usages of the Church. My right hon. Friend was further directed to state that Her Majesty places full confidence in the discretion of the Archbishop, and in his desire to discountenance practices of this unusual nature. That communication has been made to the Archbishop, and will no doubt appear before the public shortly; and if it does not, I certainly shall have no difficulty in producing it if required to do so. I have only further to observe, that I do not think it desirable—differing from my hon. Friend in this respect—to bring on a discussion of this nature before the House of Commons. For my part, entertaining very strong opinions upon this subject, I am of opinion that it had better be left in the hands in which it is placed at present; and, seeing the unfortunate consequences that arose in Scotland in the disruption of the Established Church in that country, nothing will induce me to take any step which might tend to any disruption in our Church.

Mr. NEWDEGATE said, he fully participated in the approbation expressed by many hon. Members of the expressions of the noble Lord; but he thought it was quite evident that the noble Lord did not restrain his followers from bringing the subject before the House, and they had a distinct pledge by two hon. Members that the whole question of the discipline of the Church was to be discussed within these walls very soon. Now, he wished to ask the noble Lord when it was his intention to bring on the second reading of the Bill for the admission of Jews into that House, because he (Mr. Newdegate) intended to move on that occasion that the Bill should be read a second time on that day six months; and, if anything could prove the absolute impropriety of admitting into that House those who so fundamentally differed from the creed of hon. Members who now sat in that House, the discussion they had just had, and the discussion which they were promised, were evidence of the fact.

Lord JOHN RUSSELL said, the Bill to which the hon. Gentleman referred did not affect any religious question; it only concerned civil and political liberties. As soon as he could bring in the Bill without disturbing the financial business before the House, he should do so; but of that he would give due notice.

Subject dropped.

KILRUSH UNION.

Mr. SCULLY wished to ask the right hon. Gentleman the Secretary for Ireland the following questions respecting the condition of the Kilrush Union:—Whether the workhouse in that union had accommodation for 4,654 inmates, or thereabouts, from the 8th of March last? Whether there were not upwards of 5,000 within the house at that date? Whether the deaths within the house for the 21 days ending the 22nd of March did not exceed 200? Whether paupers to the number of between 100 and 200 were not in the habit of seeking for relief within the house upon the admission-days? Whether many of such were not in a most destitute and nearly starving state, and, after having walked some 12 Irish miles, were refused admittance? Whether any steps were taken to afford them, so refused, any assistance whatever? Whether the Poor Law Commissioners are aware of this state of things; and, if so, what measures they have taken, or intend to take, in order to correct them?

Sir W. SOMERVILLE said, he would give as much information as he could in reply to the several questions which the hon. Gentleman had placed on the paper, and within the limits that he thought he ought to occupy under present circumstances. In answer to the first question of the hon. Gentleman, as to whether the workhouse for Kilrush union had accommodation for 4,564 inmates in March last, the information which the hon. Gentleman had received on that point was correct. As to the subsequent questions, he had no precise information which he could give to the hon. Gentleman. The Commissioners had not been able to get any precise information respecting them. As to the last question, which was the important question, as to whether the Poor Law Commissioners were aware of this state of things, he had to state that of course they were perfectly aware that this state of things existed in Kilrush. The Commissioners had constantly remonstrated with the board of guardians on this state of things, and they urged them in the first place to provide additional workhouse accommodation; and, failing that, to resort to a system of outdoor relief. As early as the beginning of December, in last year, the Commissioners applied to the board of guardians for the purpose of getting additional workhouse room, and the guardians, he thought, about the 20th of March, said additional accommodation would be necessary. At a subsequent period to that the Commissioners procured assistance from the rate-in-aid fund for the purpose of providing additional infirmary accommodation, which was much required in that union. The board of guardians did everything, he believed, in their power to procure additional workhouse accommodation, which they found very difficult; and they had yielded to the solicitations of the Commissioners to adopt a system of outdoor relief, which commenced in January, and on the 22nd of March the number receiving relief was 2,626; and he was happy to tell his hon. Friend that on the same day, the 22nd of March, the excess of numbers in the workhouse had been reduced to 214. He was sorry to observe the sanitary condition of the workhouse. The Commissioners had done everything in their power to call the attention of the guardians to this state of things. The inspector of that union—one of the most active men in that employ, Mr. Lucas, made the following observations on the return of mortality for the week ended the 22nd of March:—

> "Referring to the week ended the 30th of March in the previous year, I find the deaths amounted to 56, with 3,357 inmates, being about the same rate of mortality as at the present time. The season has been unusually wet and inclement, and the health of the poor generally is, I regret to say, unsatisfactory. Many of the paupers do not seek admission to the workhouse until they are exhausted by disease."

With regard to diet, with the exception of milk, he (Sir W. Somerville) could not find that there had been any diminution whatever.

Mr. REYNOLDS said, that when the hon. Baronet the Member for Marylebone (Sir B. Hall) addressed the House on a comparatively insignificant subject, he was heard in perfect silence; but when his hon. Friend the Member for Tipperary brought this matter under the notice of the House, and while also the right hon. Baronet the Secretary for Ireland was speaking, they were not heard in silence. It was not his intention to detain the House at any considerable length, but he claimed his right to speak on a question which involved the life or the death of his fellow-countrymen and countrywomen. What was the question? It was this, whether in Kilrush union persons were to be permitted to die for want of the common necessaries of life. While he was on this subject, the House would perhaps permit him to use the figures published in the *Times* newspaper, by that benevolent and Christian clergymen of the Established Church, the Rev. Mr. Sidney Godolphin Osborne, to whom it was that they owed the dragging to light of these proceedings in the Kilrush union. The workhouse would accommodate 4,654 inmates, but the fact was that there were now 214 persons in that workhouse more than it would hold. [*Laughter.*] He was happy to see that on a subject like this Gentlemen could be merry. [" No, no ! "] When he said merry, he did not mean to insinuate that they could be light on the subject. Sir Boyle Roche had once proposed in the Irish House of Commons that every quart bottle should hold a quart, but what had been the fact with respect to this workhouse ? Why that 214 persons had been thrust into it more than it had been intended to accommodate. What did they think was the cost of maintaining or rather starving a pauper in that workhouse ? It was just 11½*d.* per week. No wonder then that 280 of the poor wretches died per week. He charged the workhouse authorities with being accessories to murder. For every one that died, somebody was accountable before God, and he wished he was so with men. The landlords were *ex officio* guardians, and they wished to keep down the expense. They had refused outdoor relief for a series of months, and when the poor people were at last compelled to seek shelter in the workhouse, their muscular and other powers had been so weakened by want that they were unable to digest the wretched food which was furnished to them. Mr. Vandeleur, of Kilrush, governed the guardians; and a benevolent gentlemen, named Captain Kennedy, having had the misfortune to oppose Mr. Vandeleur, had been obliged to leave, and now Mr. Vandeleur was permitted to trifle as he pleased with the lives of the people. The right hon. Baronet (Sir W. Somerville) and Sir Thomas Redington had so many other duties to discharge, that they ought to be relieved from their duties as *ex officio* Commissioners, and other persons ought to be appointed who could attend to the wants of the people. He felt horrified at the system now pursued, and could not find words sufficiently strong to express his feelings, and his astonishment that such scenes were allowed to occur with perfect impunity in what was called a civilised, well-governed, and Christian community.

SIR L. O'BRIEN had but too much reason to believe that life had been sacrificed to a fearful extent in the Kilrush union; but it must be kept in mind, with reference to the poor-law guardians of this union, that they laboured under extreme and almost overwhelming difficulties; they had 5,000 persons to provide for out of the resources of the union—the Government aid having of late been withheld—and that eleven shillings in the pound had been paid for poor-rates in Kilrush, and Colonel Vandeleur was surrounded with the greatest possible difficulties. The union had received very largely of Government aid; but that having been withdrawn, and the union thrown upon its own resources, this distress had been the result. He hoped the subject would be further discussed when the Medi-dical Charities Bill (Ireland) should be brought before the House on Tuesday next.

Subject dropped.

WAYS AND MEANS—THE BUDGET.

House in Committee of Ways and Means; Mr. Bernal in the Chair.

The CHANCELLOR OF THE EXCHEQUER:* Several weeks, Sir, have now elapsed since I first put into your hands the Resolution upon which I am about to-night to ask for the opinion of the Committee. During that time the attention of hon. Gentlemen has been directed to topics more exciting perhaps, but certainly not of greater importance, than that upon which I am now about to call for a decision. Time has been afforded to me to reconsider the proposals which I then made; and I have also had the advantage of those observations and censures which, with no sparing hand, have been bestowed upon me. We have also had the advantage of hearing from the noble Lord who leads the great party opposite (Lord Stanley) the course of financial policy which he is prepared to pursue. He is prepared, as far as possible, to reduce the income tax at once, and to extinguish it altogether as soon as the accruing surplus of succeeding years will allow him to do so. He proposes to aid that operation by the imposition of a duty upon the importation of foreign corn.

The proposals which I made in February, and those which I shall submit to the Committee to-night, have for their object to promote the comfort and the health of the labouring portion of our community; further to reduce the duty of import, both upon articles of consumption and raw material. That is the policy which we deem it our duty to pursue. These two opposite courses of financial and commercial policy are now therefore fairly before the House and the country. It is for the House and the country to decide upon which side the preponderance of advantage lies—to say which, upon the whole, is the most beneficial for the welfare of this great empire.

Sir, with respect to my own proposal, I can assure those hon. Gentlemen who have been impatient for the statement which I am now about to make, that it has been from no wish of mine that it has been so long delayed. They will readily believe that I have been anxious to correct some of the misapprehensions which have prevailed upon the subject of my proposals; that, believing as I do the principles upon which they are founded to be sound, and the proposals themselves to be honest, fair, and just, I have been most anxious for the opportunity which this night affords me of explaining distinctly what those principles are, and of vindicating the course which I deem it my public duty to pursue. This I know, that whilst I do so, I shall not in vain ask the indulgence of the House, which has never been refused to any one who has been the boject of so much censure.

I admit that those proposals were not received with satisfaction by the country. That they should not have been so received by Gentlemen connected with the agricultural interest, and representing that interest—an interest suffering, I am sorry to say, under the pressure of those circumstances which always attend the removal of a protecting duty—could not be a matter of surprise. These Gentlemen have asked, that protecting duties should be restored to them, or that at least there should be a transference from their shoulders of a large portion of their local burdens; I, on the other hand, believe that it would not be for the benefit of the country generally—and not being for the benefit of the country generally, I do not believe that it would be permanently for their own benefit—that either of these courses should be adopted. I need not go more fully into the opinions on this subject which I have so frequently been called upon to state to the House. I will now only repeat what I have often said, that I believe it is to their own exertions, and to the increasing prosperity of the country generally, and not to any legislative enactment, that the agriculturists must look for an amelioration of that depression under which they are, unfortunately, for the present labouring. With reference to other parties who entertain opinions widely different, but who have also expressed great dissatisfaction at the proposals which I made, I confess that I have been somewhat disappointed. When, however, in the various censures and criticisms which have been made upon these proposals, I find that amongst this latter class the almost universal demand has been one for the remission of taxation beyond that which I felt, and still feel, it to be possible to accede to, consistently with what is necessary for upholding our national credit, and maintaining those public establishments which we believe to be necessary for the welfare of the country (and in which opinion we have no reason to suppose the majority of the House does not concur with us), it is a matter of less surprise than regret that this dissatisfaction should have been so entertained. No doubt the country may have expected a larger surplus than appeared in January, or will appear up to the 5th of this month, or than I can expect at the end of the ensuing financial year. I am as sorry as they can be that their too sanguine expectations have been disappointed; but they must see that this is no fault of mine.

Sir, these expectations, and these demands, have been grounded on representations of the necessity of making great reductions on account of the aggravated pressure of our present taxation. That such is the pressure generally of our existing taxes, is an opinion which I believe to be utterly unjustified by the true state of the facts. I can neither satisfy such expectations, nor give any sanction to an opinion so unfounded; and therefore, much as I regret that this disappointment should have existed, I cannot see that in any way whatsoever, if I adhere to the proposal of what I believe to be an honest Budget, I could have gratified expectations which I believe to be so unreasoning and so groundless. I might no doubt have made some minor changes. I might have reduced the duty on soap, instead of that upon windows. I might have reduced the duty on paper, instead of those upon coffee and timber; and thus I might have satisfied some who are now discontented, and dissatisfied others who are contented with what I have proposed. But I repeat that, unless I had been prepared to give an amount of remission from taxation far beyond what circumstances would justify, I could not have met a tithe of the demands which were made upon me. It seems to me, therefore, that the single course which policy as well as duty points out, is, that I should propose that which I believe to be right, and abide by the consequences of such proposal.

Before I go into the details of the proposal which I have made, or mean to make, I may be permitted to offer a few observations upon the state of opinion, and the state of feeling, which has appeared to me so generally to prevail. It matters little whether the Budget of this year is popular or no; but it matters much whether the principles upon which the financial policy of this country is to be permanently directed are sound or unsound. We are bound to look far beyond the present year, or the existence of any particular Government. We are bound to look far beyond the present state of our finances, or the existence of any occasional surplus. We are bound to resist the first step in a wrong direction. We are bound to resist the beginning of a course which, if persisted in and pursued, would, I believe, be fatal to our credit and to the character of the country.

The all-pervading objection to the proposal which I made has been, that I thought it necessary to retain some surplus—some margin above our present expenditure. Sir, I should have thought that recent experience, the experience of no great number of years back, would abundantly have demonstrated to this House, and to the nation, the impolicy of pursuing any different course. It is just ten years since the Government of Lord Melbourne was displaced; and I know nothing which was urged against them more strongly—I know no ground upon which discredit was more attached to them—than their annually recurring deficiency. What was the result of this course? It ended in the necessity for a loan of five millions—an increase of debt in a time of profound peace to the extent of five millions of money, and the imposition of the income tax. For some three or four years, a different state of things prevailed. In 1846, however, a large reduction of taxation took place; and in some branches there was a considerable increase both of present and prospective expenditure. I pointed out, in August 1846—and the right hon. Gentleman who was at the head of the late Government acquiesced in my statement—that if the revenue in the succeeding year did not increase, and if the expenditure was maintained, that, in the year 1847-8, there would be a deficiency. No doubt extraordinary circumstances occurred which were calculated to baffle all previous anticipations; but the fact was, that, in 1847-8, the revenue was less by two millions than it was in 1846-7 (I mean, of course, in both cases the financial year). Not only were the receipts of revenue diminished, but events took place which called upon us for a largely-increased expenditure; making every allowance, however, for that increased expenditure, and for all those extraordinary circumstances, there was still a deficiency of income below the expenditure of the country.

In 1848, under these circumstances, coming down to this House with a deficiency of nearly three millions, I proposed what I think now, and what I then thought, to be honest and right, that we should pay further taxes to bear that expenditure. Under the peculiar pressure of that year, the House declined to do so, and I was driven to borrow two millions of money to defray the expenses of our ordinary expenditure. But these extraordinary circumstances, impossible to be anticipated by any foresight, to be guarded against by the utmost caution, must, from time to time, inevitably happen in so extended an empire as that of Great Britain. Exposed as we are, in every quarter of the globe, to come into contact with nations of every description, whose actions and whose policy it is perfectly impossible to foresee or to guard against, extraordinary occurrences will take place; and I say confidently, that it is perfect folly in a Government, and in a Legislature, not to reserve some means, whenever practicable, of meeting those contingencies. Within a fortnight after I made my last proposal to the House, such another extraordinary occurrence as that to which I have referred took place, and we were greeted with the utterly unexpected news that another Kaffir war had broken out. What amount of expenditure that war may entail upon us, no man can pretend to say; but it is clear that, as the war has broken out, and as we are bound to give protection to those of Her Majesty's subjects who are exposed to these attacks, and part of whom we have sent out to that part of the world as emigrants, some considerable charge must be thrown, in this respect, upon the revenues of this country. Moreover, within the last few days, a demand has been made upon me—I hope it may not turn out so serious as it appears now—a demand on the part of the East India Company for the payment by the British Government of the unliquidated balance of the cost of the Chinese expedition, to the amount of 400,000*l.* I hope and trust that, upon a careful examination of the accounts, the balance against Government will not turn out to be so considerable as it is stated to be by the East India Company; but still there is the demand, and there is the possibility that the amount stated may be found accurate. This is certain, that, whatever the demand may be that shall be substantiated, it must be paid. Here is an instance of a demand coming in unexpectedly, which it is most advisable that the Government should have means in reserve to meet.

Sir, if we are always to borrow when necessity presses us, and if we are never to pay when we have the means, I ask how public credit can stand under such a system? We have in times past accomplished great things by means of the public credit of this country. That credit was then based on the principle of a sinking fund, which was established by Mr. Pitt, and which, however fallacious we may now believe the principles upon which it was founded to be, nevertheless did undoubtedly contribute to the maintenance of the public credit of the country. Within my recollection that system has been changed, and the only available sinking fund has been held to be the annual surplus of income over expenditure. I am not disposed to differ from that amended system, but I am not prepared to hear the existence even of a surplus scouted as unnecessary, and the very basis of maintaining our national faith unimpaired, ridiculed as unnecessary and absurd. I must say that I was surprised when, in the previous discussions on this point, the hon. Member for Montrose (Mr. Hume), approving generally the proposals I made, disapproved of my retaining any surplus with the object of meeting unforeseen demands, and if not required during the year for such purpose, of paying off some small portion of the public debt. [Mr. HUME here made an observation which was inaudible.] My hon. Friend objected to the maintenance of some margin above the expenditure, with the view of paying off a portion of the debt. He is certainly the last person in this House from whom I should have expected such an observation. My hon. Friend must not suppose that I impute to him for a moment that he would deliberately do anything which would, in his opinion, endanger the national faith, for no man has more strongly advocated an opposite course, and on that account I was the more surprised at the observations which fell from him. What did my hon. Friend say when I borrowed 8,000,000*l.* four years ago in perpetual annuities? He said I should have borrowed the amount in terminable annuities; and only the other night he expressed his gratification at the purchase of annuities that had been made, and his wish that the whole debt existed in the shape of terminable annuities. Now, let me ask the House what is the difference in principle, so far as the existing taxpayers are concerned, between a terminable annuity and a permanent annuity with a sinking fund annually applied to its reduction? Both proceed upon the selfsame principle of a greater present charge for the purpose of a future relief. We constantly congratulate ourselves upon the prospective relief of burdens which will accrue in 1854, in 1860, and some subsequent years, from the extinction of the present charge under a system which the providence of those who have gone before us has established to act as a relief to those who came after them; and are we to refuse to those who come after us any such benefit as that which we ourselves enjoy? There is, indeed, this difference between a terminable annuity and a permanent debt diminished by the application of an annual surplus, that in the one case it is out of our power to be dishonest. Alas! that it should be said in a British House of Commons, that when we find we have the power of doing that which is right, or of affording to ourselves some temporary relief, we have not the self-denial or virtue to pursue the course which we know nevertheless and acknowledge to be right.

I feel most seriously upon this point, because I have, within the last six months, heard doctrines broached, in quarters whence I little expected to hear them—not certainly from Members of this House, for I believe no Members of this House would be likely to entertain them—which I consider most dangerous to public credit. Those opinions have been expressed in the organs of public opinion and at public meetings, and I think we, who hold different views, are bound to protest against the very beginning of such a system, lest it should gain too strong a hold upon public opinion. It is indispensable also to remove the delusion which has been so general, that the nonpayment of the public dividends would injure only the rich. The late Lord Ashburton called the attention of the country to a return of the different amounts of dividends paid to the public creditor, which showed that by far the greater number of them were not of the richer class. I see by a recent return that five-sixths of the persons who receive dividends, receive an amount not exceeding 50*l.* per annum, and one-third of them receive an amount not exceeding 5*l.* That is some index of the number of those persons whose main dependence, in all probability is upon our public faith being rigorously maintained. It is not the rich fundholder who would suffer; it is the widow and orphan, the retired shopkeeper, and artisan, who have invested their all in the public funds in entire dependence upon the maintenance of public faith; and what would be the effect upon so large a class, if there were any failure in the punctual payment of the dividends, or any serious depreciation of the value of their capital from the bare apprehension of such an event? Do not let us think that such an evil would affect only the rich and the wealthy; it would be felt far more extensively by those who ought to be among the principal objects of our solicitude and care.

Let me now ask the House whether the present circumstances of the country are such as justify the complaints that have been made of the pressure of taxation? I believe the case is precisely the reverse. I believe—and I apprehend that those who sit near me believe also—that the result of recent legislation has been materially to improve the well-being, and to increase the means of the country—that the people, generally speaking, are richer, and therefore the better able to pay those taxes which are still to be paid. If the complaint was made, and this argument was used by some hon. Gentlemen whom I see opposite—if my hon. Friend the Member for North Warwickshire, who believes that the present appearance of prosperity is obtained by a gradual diminution of the capital of our manufacturers and merchants, that the agriculturists are universally distressed, and the labouring population are suffering from short wages and a want of employment—if it was my hon. Friend who used those arguments, I should understand them, coming from a Gentleman holding his opinions; but when that argument proceeds from the mouths of Gentlemen who agree with me that the country has derived signal benefit from our recent legislation, it is, if it be true, an utter condemnation of the policy we have pursued. We were told some eight or ten years ago, by those who most prominently advocated the doctrines of free-trade, that what pressed upon the energies and cramped the industry of the people of this country, and what prevented the accumulation of capital, was not the amount of taxes paid into the Exchequer, but the indirect effect produced by the existence of monopoly and protection. Those monopolies—those protecting duties—have been mainly removed, and the community at large must have derived a corresponding benefit. My hon. Friend the Member for Montrose told us the other night that 100,000,000*l.* per annum had been put into the pockets of the community at large in the price of their food alone. I remember also that the noble Lord the Member for Stamford told us that in his opinion 60,000,000*l.* had been taken from the pockets of the agriculturists, and transferred to those of the other branches of the community. I do not pretend to say whether either of these calculations gives the precise amount of the annual benefit derived by the community; but, whichever be correct, or whether the amount be even less than either, to that extent at least the community at large is richer, and therefore better able to bear the taxation which remains. If they had to pay to the Exchequer in addition to existing taxes the 60,000,000*l.* per annum, or 100,000,000*l.* per annum, which they used to pay in the price of their food, they would be no worse off with regard to their expenditure; but if the taxation which presses upon them has also been reduced by nearly 10,000,000*l.* per annum, it follows—not as a matter of probability, or of opinion, but of absolute demonstration—that the pressure of taxation must be infinitely less now than it was ten years ago.

I am not afraid of hearing such opinions as I have mentioned urged in this House, because hon. Gentleman around me know better than to credit them; but I think it is most important that those who entertain opinions such as are held on this side the House should withstand the prevalence of delusions so fatal as this would be to the principles which we profess. They ought to withstand the putting into the hands of our opponents so formidable a weapon as this assertion, if it were true, would afford them; they ought to resist the discrediting of their own principles of commercial policy, and to counteract to the utmost that delusion which, if it is suffered to act upon public opinion in this country, cannot but lead to consequences fatal to the national faith and national credit. I beg pardon of the House for saying so much upon this subject. I speak warmly upon it, because I confess I feel warmly the dangers of such an opinion prevailing in men's minds; and I think it is time that those who hold other opinions than those to which I have alluded, should stand boldly forward and proclaim what they believe to be the truth. I know my opinions may be to some extent unpopular, for nothing is so distasteful as to tell people that they are not in the distress in which they believe themselves to be; but I must say that holding, however unworthily, a responsible situation in matters of finance and commerce, I feel it to be my duty to make this earnest protest, and to call upon those who agree with me in those views to do their duty here and elsewhere, and to counteract the spread of opinions so dishonest and so dangerous.

Sir, since I last addressed the House on the financial affairs of the country, I have had the opportunity of again considering the statement I then made, and I see no reason to change the opinion I then formed of the probable income and expenditure for the ensuing year. I might, perhaps, change to some small extent my anticipations as to some of the items of receipt. I might have to add to some small extent to the receipt for Customs; and if I adopted the views of the hon. Member for Hertfordshire I should have materially to reduce the probable receipts from the income tax. If I am to believe the anticipations of a noble Lord in another place, we are not to expect that the present will be a year even of ordinary prosperity; and, under these circumstances, I cannot say that I think I should be justified in altering at all the estimate which I made of the total amount of our probable receipts. As to the probable expenditure, it is given in the estimates laid upon the table, the most material items of which have been already voted. [*Cheers from the Opposition benches.*] I only mean to say that we have laid upon the table of the House those estimates which we believe to be necessary, and that a majority of the House has agreed to the largest part of them; but I do not mean to urge unfairly the argument, that the estimates have been voted. We laid them on the table, believing them to be fairly and properly framed, with a due regard to economy on the one hand, and to the demands of the country on the other; and I think I am entitled to say—without provoking the cheers of hon. Gentlemen opposite—that of a considerable portion of those estimates the House has approved.

Well, Sir, the probable amount of surplus I take then to be about what I before stated, 1,892,000*l.* Now, I have been told that, with this amount of surplus, I ought to have done something striking, something that would produce an effect upon the mind of the country. I plead guilty altogether to the charge of not having attempted to do so. I confess that when I sat down to consider what proposals I should submit to the House, I did not consider what was likely to produce an effect upon the public mind, but what were the taxes most objectionable and productive of the greatest mischief, and the reduction of those taxes I proposed to the House. Hon. Gentlemen must remember, when they wish for some great and striking proposal, that the chief protecting duties, the great monopolies, have been already removed. The Government of Sir R. Peel reduced the protecting duties upon timber and upon corn; the present Government have reduced the protecting duty upon sugar, and have repealed the navigation laws. It is not, I think, a reasonable complaint on the part of the country, when the giants are slain, that there remain no more to be encountered. No doubt duties yet remain which are as objectionable in principle, and protections as highly obnoxious, to the extent to which they go, as those which have already been removed; they are, however, only of small extent, and operate on articles of minor importance; but, in strict accordance with the principles which dictated the repeal of the large protective duties, we ought to deal in the same way with the existing duties of smaller amount, equally objectionable though of less extensive operation. It is true there yet remains one large duty with which I have been reproached for not having dealt—the duty upon tea; but let me remind the House that, although that is a high duty, it is not a protecting duty. Whatever the supply of tea may be from China, there are no competing countries from which supplies may be drawn that may bring down the price of that article; and, though I have on former occasions expressed my opinion that it would be a desirable thing to reduce the duty upon tea—and I have never varied from that opinion—I think other duties have a prior claim upon our consideration. I do not know, if I had proposed a reduction of the duty upon tea, that I might not have been fairly called upon to deal with the duty upon that article with which it is supposed that tea might come into serious competition—the duty on malt. I do not know what might have been said by the Member for the North Riding of Yorkshire (Mr. Cayley); and although the duty upon tea is 200 per cent, and the duty upon malt is only 60 per cent, I think I might, in the present state of the agricultural interest, have been fairly exposed to attack, if I had dealt with an article which may compete with one of the main articles of their produce. I think, however, under any circumstances, that other duties have a prior claim upon our consideration.

I may here be permitted to make one remark to hon. Gentlemen on both sides of the House, who call for a large reduction of taxation in any direction whatever. It applies equally to those who call for a large reduction upon articles of import or articles of excise, and to those who call for large reductions in direct taxation. It is this, that if they expect any large reductions of taxation, they must not perpetually demand the reduction of duties upon minor articles. If hon. Gentlemen will call to mind the proposals which have been made, in late years, in this House, for the reduction of taxes, they will see that they relate to no articles which materially affect the great body of the people. We have been asked to sacrifice some 120,000*l.* upon attorneys' certificates, 150,000*l.* upon advertisements, 360,000*l.* upon newspaper stamps, and to risk about 100,000*l.* upon Irish spirits; but every 100,000*l.* applied in this way diminishes the power which any Chancellor of the Exchequer has of making a great reduction in any particular duty. If the modern system is to prevail, that every surplus, however small, is at once to be expended in the reduction of some minor tax, neither I, nor any one who fills the same office, can ever do that which the House and the country demand with regard to a considerable reduction upon large taxes. If it be the wish of the House that such large reductions should be made, they must co-operate with the Chancellor of the Exchequer, and allow him to accumulate such a surplus as in a given year will enable him to do what they require; but if every surplus is at once to be disposed of, nothing great, and, as I believe, nothing very satisfactory, can ever be done.

I have been told that there was no principle in the proposals which I made to the House. Sir, the principle upon which not only the budget of this year, but the principle upon which I have always advocated and proposed commercial and financial measures in this House, has been one and the same: it has been to do that which appeared to me to be most beneficial to the great mass of the population of this country. I have never turned aside to the right or to the left to consider what would be a benefit to one class or another; but I have looked to that which, in my opinion, would be most beneficial to the great body of our labouring and working population. They, to a great extent, are not represented in this House; they cannot put pressure upon those who sit here, which will induce them to advocate their peculiar interests; and they are, therefore, in my opinion, the special objects of the care and solicitude of the Government—Government being instituted for the benefit of the many, and not of the few. It was for their sake that I have always advocated a repeal of the duties upon corn and meat; that I have endeavoured to cheapen food; that I supported the repeal of the corn laws, and the reduction of the duties upon foreign cattle and provisions; and that I proposed myself the reduction of the duty upon foreign sugar. It was for their sake that I have advocated a reduction of the duties upon raw materials. It was not to put profit into the pockets of the manufacturers, or wealth into the purses of the merchants, but because I believed that by the free introduction of raw materials employment would be given to the labourer, and cheap clothing would be obtained for his family. We had given them food and clothing, but there remained one other matter of vital importance to them—their dwellings. Hon. Gentlemen will, no doubt, remember the report which was laid upon the table last year, and which was, I think, quoted by the late Sir Robert Peel, on the crowded and wretched state of the dwellings of the poor in the Eastern Counties, detailing the misery and immorality resulting from their being crowded together in unsuitable habitations. It was for their sake, and to remedy this evil, that I last year carried the repeal of the duty upon bricks.—[*Laughter.*] This may be a matter of indifference to hon. Gentlemen, but it is no matter of indifference to me or to those poor people. It is for their sake and with the same purpose, that I propose this year to reduce the duty upon foreign timber. So far as the comfort of the country labourers is concerned, I do not know that more can be done for them; but there remains another class—that large portion of the labouring population who are crowded into the dark alleys and narrow streets of our towns. There is evidence beyond dispute of the effects produced upon them by the dark and unwholesome character of their dwellings. There is evidence beyond dispute of the effects which those who are crowded into gloomy cellars and ill-ventilated apartments suffer in the stunted growth, the deformed limbs, the broken constitutions, and the enfeebled intellects, which are the consequences of the deprivation of air and light. We determined that, as soon as it was in our power, so far as taxation contributed to these effects, we would do all we could to place the labouring classes in a better sanitary condition; that, so far as it depended upon us, we would endeavour to remedy that state of things which was proved beyond dispute to be the cause of disease, deformity, and death. I am not ashamed of having made that proposal; I believe I should have failed in my duty if I had not made it; and, whatever fault may be found with it, this at least must be conceded by those who opposed it the most, that in this respect I removed every ground of complaint. There may be other measures which will tend to the benefit of the labouring classes; this I believe is the last one, which is indispensably necessary for their comfort and health. And whatever may be the result in other respects as to our proposals, this at least I hope we may be able to carry through the British Parliament. I shall feel then that, having contributed to reduce the price of the food of the great mass of the people of this country, to cheapen their clothing, and give to them their dwellings throughout the country as cheap as they can be afforded, that we shall have well closed our career—should such be the result of any vote—if we bestow on the labouring population of our towns the unrestricted enjoyment of the light and the air of heaven.

It will be remembered, that I made two other propositions, both of them, be it observed, essentially contributing to the be-

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nefit of the population of the country, by the reduction of two duties, one of them on a great article of consumption, and the other on an important raw material, and the objections to which duties were as strong, on principle, as to any duties which have been recently repealed. Of all the duties on the Statute-book, protecting duties undoubtedly are the worst. That is a question which now I need not argue, because it is admitted that these are the duties which take the most out of the pocket of the consumer, and bring the least into the Exchequer. The protection on coffee amounts to 50 per cent, and that upon timber to 900 per cent. Are there not also peculiar circumstances affecting both these articles which call upon me to deal with them in this year? I need not remind the House of the complaints made night after night, of the adulteration of coffee by the admixture of chicory and other materials. Sir, I am not prepared to send an army of excisemen into every coffee shop in the country, nor am I ready to institute excise prosecutions in every corner of the land; but I am prepared, and I have proposed to meet the evil in the most legitimate manner, by reducing the duty, and thereby reducing the price, of the imported article. Again, I hold that the reduction of the duty on timber is in perfect consistency with all sound commercial and economical principles, because timber is a raw material of primary importance to every class of the community, because it is used by every class, from one extremity of the country to the other. I felt it my duty last year to resist a proposal for giving a drawback on timber used for the building of ships. I then stated that I thought one of the soundest parts of our recent policy in the reduction of duties, was the getting rid of the most objectionable system of drawbacks; that I was not then prepared to place the shipbuilder in a different position from any other class of the community with regard to the duty on timber, but that he must take his share of the benefit of any general reduction of duty. These two articles I selected, therefore, as those having primary claims to consideration during the present Session. Well, Sir, did I deal with these protecting duties in what is called a peddling way? I removed the protecting duty entirely in the one case, and reduced it to the extent of one-half in the other; and those who know best the circumstances of the trade, know that it would be unwise in the latter case, to reduce the duty further in the present year, whatever may be done ultimately in respect of it.

Sir, I have said that a reduction of protecting duties is that which is the most beneficial both to the consumer and to the revenue. And allow me to call the attention of the House for one moment to the result of that course with regard to the first proposal that I had the honour of submitting to this House, after I became Chancellor of the Exchequer, namely, with regard to the reduction of the duty on foreign sugar; and a more striking instance of the benefit derived, both by the consumer and the revenue, can hardly be conceived. In 1845, the right hon. Gentleman then at the head of the Government, reduced the duty on colonial sugar, and left nearly untouched the duty on foreign sugar. The result was a loss to the revenue of 1,400,000*l.* In 1846 we proposed and carried a reduction of the duty on foreign sugar, and the effect of that change was an increased consumption of 900,000 cwts., with an increase of duty to the amount of 1,100,000*l.* in one year. The effects from the reduction of other duties in which the protection does not so nearly amount to a prohibition, cannot be of so striking a character; but I quote this particular instance to the House, as an example of the benefit both to the community and to the Exchequer, arising from the reduction of protecting duties. Two other proposals which I made to the House were of minor importance; one of them in accordance with the recommendations of the Lords' Committee on the burdens on land—namely, taking on the public revenue a portion of the charge of the maintenance of pauper lunatics; and the other a remission of the duty on clover and other agricultural seeds. I cannot say that these proposals were well received by those whom they were intended to benefit. I have heard objections made to both the one and the other, but not a single word has been said in favour of either; and therefore, whatever my own opinion may be as to the merits of the proposal, I am most unwilling to force these benefits upon those who are so reluctant to receive them. Reverting to the main proposals which I made: they were, I repeat, based on this principle—that they were most beneficial for the comfort, the morality, and the health of our labouring population; that they were the reduction of protecting duties—one upon a great article of consumption, and the other of a raw material of our industry.

If the principles upon which those propositions are based are not sound—if they are not in accordance with all our recent legislation supported by the majority of this House and of the country, then I stand condemned. But if, on the contrary, these propositions are for the benefit of the people, and if they are in accordance with that enlightened legislation which has commanded the approval of the House and of the country, then I fearlessly call upon the House to record a verdict in their favour.

I am quite aware that a loud demand has been made for the unconditional repeal of the window tax. It is enough for me to say that the amount of the window duty is 1,856,000*l.*, and the probable surplus 1,892,000*l.*; so that if I assented to that request I should leave myself a margin of only about 40,000*l.* If I add to the expenditure the least possible demand for the Kaffir war—[*Ironical cheers*]—do Gentlemen suppose that this country is to suffer its subjects to be slaughtered, and not defend those who have gone out upon the faith of our protection—not protect British subjects in a distant land? If they do, they will not, I think, meet with the approval of the majority of the House or of the country. I say, if I add the smallest amount to meet any charge for this purpose, I wilfully create a deficiency, which I think no man in this House will call upon me to do. But I say further, that I do not think I should be acting justly to the community in relieving house property from the whole of this tax. That which presses upon the labouring population is not the amount of the tax, but the mode in which it is levied. It is the reference to the number of windows, and not to the value of the house, which has been complained of. If I were to reduce all the taxation so far as it presses upon house property, beyond that which presses upon the inhabitants of the house—I mean the labouring classes who are affected by the number of windows—I think I should be postponing claims which are of more pressing importance for the benefit of the community.

Let me here remind the House of the representations made to the Government upon this subject. One of the first persons who promoted the movement on the window duty was a gentleman well known in this metropolis, himself an owner of house property, who was constantly urging it upon the Government, and who wrote a very good pamphlet upon the subject. Now, what says Mr. Hickson?—

> "The revenue derived from the window duties we do not desire to see wholly abolished; the burden falls upon the owners of house property, and would be borne without a murmur, if imposed in a less objectionable form."

What were the terms of the Motion of my noble Friend? It was not that house property should be relieved from taxation, but that there should be no restriction imposed upon the blessings of air and light. What was the language of members of the deputation which waited upon me with my noble Friend? Not that they came to ask merely a remission of pounds, shillings, and pence; but they represented the mode of assessment as a great evil affecting the dwellings of the poor, and they referred to the unfairness of the assessment in reference to the value of houses. They asked to be relieved from these two evils, the existence of which I admitted; but many of them, at least, did not pretend to say they had a claim to the total remission of the tax. If I had simply substituted for the window tax a tax assessed upon the value of houses, producing the same amount of revenue, I should have met all the demands grounded upon sanitary considerations, but I should, at the same time, have imposed a burden so different in its pressure from the existing tax, that I think I should have justly caused general dissatisfaction. Allowing a difference between dwelling-houses and houses, a part of which is used as shops, a duty of about 1*s.* 10*d.* on the former class, and 1*s.* 4*d.* on the latter, would have raised the 1,800,000*l.*; but the result would have been to more than double the assessment upon some of the best streets in this town, and other towns in the country; and, however, in other respects equitable and fair, I cannot think such a proposal would have had the sanction of this House.

It was to avoid this objection that I made the proposal I did, by which I insured to all parties a considerable relief. No party could pay more than two-thirds of what he heretofore had paid. Of course, I could not apply the same rule to new houses; because houses that had never been assessed to the window duty could not pay a sum equal to two-thirds of a duty which had never been ascertained. I quite admit that the fairest mode, the mode most consistent with principle, is, to impose an uniform duty upon old and new houses. But, when the Gentlemen from Marylebone and Paddington complained so loudly of the injustice of my proposal, and that they would be so much better pleased if they were put on the footing of new houses, I think that their complaint was more loud than just, and that they did not even inquire before they made their complaint. The proposal I made would have imposed upon Marylebone, Paddington, and Gore Hundred, now paying upwards of 90,000*l.*, a charge of 60,000*l.*; if they had paid an uniform 1*s.* rate, they would have paid 71,000*l.*; if they had paid, as I proposed, for new houses—1*s.* upon houses, and 9*d.* upon houses with shops — they would have paid about 68,000*l.* Therefore, if they had been put upon the footing of new houses altogether, with which they were to have been so much better satisfied, it would have imposed upon them either 8,000*l.* or 11,000*l.* more than the proposal which I made, and of which they complained as unjust and hard upon them. I admit that there was an anomaly, that in theory they are right, and my proposal was deficient in that uniform principle which, I repeat, is, upon the whole, the most just and fair. With regard to the view taken of my proposals in different parts of the country, there is no doubt that, in the case of old country houses built before the window tax, with many windows, and of small value, the duty which I left upon houses was greater than they would pay upon a uniform house tax. I remembered, however, the outcry in old times as to the undue pressure of the tax upon valuable houses in towns as compared with large houses in the country. I was willing to some extent to yield to that view. But I admit that the principle of an uniform tax upon old and new houses is the just principle; and I only hope that those gentlemen in the towns who have complained of my former proposal will not complain now, if, by the adoption of their principle, they do not, in all cases, obtain so much relief as that which I proposed. It is right, however, to say, that no uniform rate upon the value will give anything like equal relief; and for this simple reason, that one main ground of complaint against the present window tax being the alleged injustice of a system of taxation based on the number of windows, and not upon the amount of value, any measure which remedies that injustice must necessarily vary considerably the existing rate of taxation.

With the view of giving as little cause of complaint, arising out of any great change in the rate of taxation, as I can, I think it is fair to take as low a rate of duty as is consistent with leaving that amount of revenue which is indispensable. Avoiding, therefore, altogether any reference to the number of windows, leaving out of consideration what number of windows or openings there may be in a house, getting rid of every objection which can be stated upon sanitary grounds, and affording great relief to all, or nearly all, parties, I propose to take an uniform rate of 9*d.* upon dwelling-houses, and 6*d.* upon those houses which contain shops. It will be remembered that I proposed before, as to new houses, that a duty of 1*s.* in the pound should be imposed upon dwelling-houses, and a lower rate of duty upon those dwelling-houses a portion of which was used as shops, or which were occupied by innkeepers, or used as farmhouses. Houses partly used as shops pay at present a lower amount of window duty, and I propose to continue, and somewhat to extend, that distinction. The duty which I shall propose will be a uniform rate upon all houses, old and new, of 9*d.* in the pound upon their annual value, and 6*d.* upon any house a part of which is a shop, or which is occupied by a licensed victualler, or inhabited by a tenant and used solely for the occupation of land. It will be remembered that I proposed to exempt from taxation altogether all houses not exceeding 20*l.* in annual value; I propose to retain that exemption. Now, let me state the result of my proposal. I get rid of all reference whatsoever to the number of windows in any shape. I reduce the number of houses paying tax at all from about 500,000 to about 400,000. I give a benefit which did not exist under the old house tax to shops, to the houses of victuallers, and houses used for the occupation of land. I give a relief from taxation altogether to the extent of 1,136,000*l.* The tax I propose to retain will amount to 720,000*l.*, instead of 1,856,000*l.* It is true there are some few cases in which, even under this proposal, the taxation of a house will be raised; there are some cases so anomalous, that it is utterly impossible to deal with them on any principle. I find, for instance, that in one street in Liverpool there are two houses which have eight windows, paying only 18*s.* 1*d.* window duty, but which are assessed at 130*l.* a year. I could not give a stronger proof of the inequality of the window tax, and of its utter unfairness in reference to value. I do not think the tax will be heavy in such cases as this; but, nevertheless, there are some few such cases in which taxation will be raised. Of course, all houses of this description may open windows to an unlimited extent; and, therefore, what they will have to pay will not be without, as I believe, an equivalent advantage.

The relief, as I have said, will be unequal, according to the districts in which houses are situated; because, being based on value, the greatest relief will be in the least fashionable streets. The better streets, where the value is high, will not be relieved to the same extent as those in which the value has from any cause been depreciated. Houses in the country, where the annual value is less than in towns, in proportion to the number of windows, will be relieved more than those in the favourite parts of towns. The old-fashioned houses of country gentlemen will be relieved. The houses of most country clergymen, I believe, will be relieved. A relief will be extended to farmers paying between 200*l.* and 300*l.* a year, which would not be afforded by any reduction of income tax; for tenants upon farms of 200*l.* a year pay window tax, but there is no income tax upon a rent of less than 300*l.* a year. By the proposal I make, there will be in almost every case a very material reduction of the tax paid by tenant farmers; and, in most cases of this class, I am inclined to think that there will be a total exemption from the tax, because I believe very few farmhouses, where the amount of rent does not exceed 300*l.* per annum, would be assessed at 20*l.* a year or upwards. Now, I think it only fair to give the House some instances of the extent of relief which will be given. I will put the Committee in possession of these particulars, because I have nothing to conceal, and am desirous that the Committee should know exactly what it is that I call upon it to assent to. In Marylebone and Paddington, the amount at present paid for window duty is 92,000*l.*; under my plan, the house tax will be 50,000*l.*, being a reduction of 42,000*l.* In Regent-street, the present payment is 2,200*l.*; it will in future be 1,900*l.*, being a reduction of 300*l.* In Finsbury-square, which I hope I may say, without offence to the persons residing there, is a less fashionable quarter than that to which I have just referred, the reduction will be very striking. The present payment is 725*l.*; the future payment will be 250*l.*, being a saving of 475*l.* In Portman-square, the present payment is 740*l.*; in future it will be 610*l.*, making the reduction 130*l.* In that fashionable quarter, Belgrave-square, there will actually be a small increase to the extent of 10*l.*; the present payment is 990*l.*, the future payment will be 1,000*l.*, giving an increase of 10*l.* The gentlemen who reside in Belgrave-square, however, will probably have houses in the country also, and the reduction of the tax upon them will indemnify them for the slight increase in the duty payable on their town houses. Taking the two classes of houses together, they will be as much benefited by the alteration as those who do not live in so fashionable a quarter as Belgravia. It is difficult to get any return showing the operation of the tax in an exclusively rural district. I have, however, in my hand a return of 42 of the best houses — those paying the largest amount of window duty —in six counties, and I find that the effect of the change I propose will be the reduction of the duty payable by them from 2,040*l.* to 567*l.* In Liverpool, the reduction will be from 19,600*l.* to 9,500*l.*; in Manchester, it will be from 30,000*l.* to 15,000*l.*; in Birmingham, from 18,400*l.* to 8,400*l.* In the town represented by my noble Friend, who takes so much interest in this question (Lord Duncan, Member for Bath), which, I am afraid, is not so fashionable as it used to be, the relief afforded will be in a greater proportion than in the cases I have already referred to, for the amount of duty will be reduced from 23,000*l.* to 7,500*l.* The greatest amount of relief will be afforded in the cases of those houses which have a larger number of windows or openings than is in any proportion to their annual value. At present large houses yielding very little rent pay more duty than other houses which have a smaller number of windows, but which are infinitely more valuable. That, I think, exceedingly unfair, and a very unsound principle of taxation. This will be quite reversed by the proposed house tax; because each house will pay in exact proportion to its annual value, whatever that may be.

Now, I do not think that even my hon. Friends who represent the metropolitan districts will complain of this proposal. My hon. Friend the Member for Finsbury told the House, during the recent crisis, that what the people wanted was a Ministry that would do something for them. Well, my proposition does all that is required for them in this respect. I do not think that my hon. Friend will be able to prove, even with all his talents, that this tax, as I leave it, will be paid by "the people," in the sense in which he used the term; or that it will be paid in any way whatsoever by the labouring population, by the artisan, the operative, the working man, or by any class whom he includes in his designation "the people." I take it off from the people, and I leave it on property. If hon. Members behind me, who advocate direct taxation on property, are dissatisfied with this plan, I know not in what shape a direct tax would please them. I repeal a tax which presses on those whose interests those hon. Members profess to advocate, and I levy it on the owners of house property, or, if not on the owners, at any rate, on occupiers, according to their means of payment.

There are about 3,500,000 houses in this country; 3,100,000 will be totally exempt from the tax; and the tax that I propose will be paid by about 400,000 of the most valuable houses in the country. Therefore, if my hon. Friend can by any ingenuity prove that this will be a tax on "the people," I shall be greatly surprised. It is a property tax on 400,000 houses of that class which is most able to bear the burden of taxation. I know not whether it is necessary for me to quote the authority of different political economists in favour of a tax of this description: but I believe there is no writer on political economy, of any weight whatever, who has not described a house tax to be one of the best and most just of taxes. I will not trouble the House by quoting the precise words of Adam Smith, but he says that there is no tax by which a larger amount of money could be more easily raised than a house tax; and while he speaks of a window tax as being the most unequal of imposts, he points to a house tax as one of the most just. Mr. M'Culloch also says there is hardly any country in Europe in which this tax is not imposed, and considered one of the best and most just of taxes. I will refer to one recent authority of deservedly great weight—Mr. John Mill. I find in his work a short passage, which I will take the liberty of quoting, because it is more pithily and clearly expressed than any that I have seen. He says—

> "A house tax, if justly proportioned to the value of the house, is one of the fairest and most unobjectionable of all taxes. No part of a person's expenditure is a better criterion of his means, or bears, on the whole, more nearly the same proportion to them. A house tax is a nearer approach to a fair income tax than a direct assessment on income can easily be."

This, therefore, is the nature and the extent of the tax which I propose to retain—a portion of an existing tax on house property. I remove from it every objection that has been urged against it. I leave it low in amount, and unexceptionable in the manner of levying it. I repeal the tax so far as it affects the people, I retain it so far as it affect property and income, and in this shape it is a tax which I regard as one of the fairest and best that can be levied.

I will now state what will be the effect of the changes I propose on the revenue. The amount of loss to the revenue by the repeal of the window duty will be 1,136,000*l.* I propose adhering to the proposition I formerly submitted to the Committee relative to coffee and timber. I propose a reduction of one-fourth of the duty on Colonial coffee, and the removal of the protecting duty on foreign coffee, making both kinds pay the same duty of 3*d.* per pound. I also propose to reduce the duty on foreign timber one-half. The duty upon sawn timber is now 20*s.* and that upon hewn timber 15*s.* I propose to reduce them respectively to 10*s.* and 7*s.* 6*d.* The loss which these reductions of the coffee and timber duties will occasion to the revenue is about 400,000*l.*, which, added to the loss arising from the alteration of the window duty, makes a total of 1,536,000*l.* This will leave me, after this year, a permanent surplus, or margin rather—for I can hardly call it by the name of surplus—of only 356,000*l.* To this sum I must, however, for the present year add half of the existing window duty, which is now becoming due, and will be receivable in the July quarter. It will amount to 568,000*l.* This sum, added to the 356,000*l.* of permanent margin, gives me a surplus of 924,000*l.* wherewith to meet any unforeseen demand that may arise in the course of the year. The House will observe that this sum of 568,000*l.* would not enable me to effect any permanent reduction of expenditure, because it will cease after the July quarter. That portion of my margin will be available merely for meeting any demand for expenditure which may occur during the year. Under these circumstances I feel that I should not be justified in proposing a further reduction of taxation.

I have already reminded the House of the possibility of a demand being made upon us on account of the hostilities going on at the Cape of Good Hope. [An Hon. MEMBER: What will be the amount of the demand?] It is, of course, impossible for me now to state what the amount of the demand may be. The estimate for six months transmitted by the Commissariat officer at the Cape was 400,000*l.*; but I cannot help hoping that, with the means which will be speedily at the disposal of Sir Harry Smith, he will be able to put an end to hostilities in a shorter time. We must, however, be prepared for the worst. We, unhappily, know too well what the duration of the last war was, and what was the extent of the demand made upon us for it; and having now the means in our hands of defraying any charge which may be brought against us, surely no man would be so unwise as to throw them away. There is a possible demand, as I have already said, on the part of the East India Company, amounting to 400,000*l.* I certainly have great hopes, that on an examination of those accounts, the real claim may not turn out to be so large; but still we may have to pay a considerable sum on that account, and we must be prepared to meet it. [Sir J. W. HOGG (we believe) here made an observation across the table which did not reach the gallery.] My hon. Friend is aware that there must be some investigation into the matter before the demand is allowed; but I think that the House will agree with me that it would be most unwise in me so to deal with the means which I have in hand as to be reduced to the necessity of borrowing to meet the demand which my hon. Friend may at some time substantiate. These are the proposals which I have to submit to the House in the event of their agreeing to the renewal of the Income Tax for a limited time.

Before I sit down, however, I must briefly advert to the Motion of which the right hon. Gentleman opposite (Mr. Herries) has given notice. I look upon the right hon. Gentleman's proposition as the first step in the direction of the policy which Lord Stanley has announced. It is due to the right hon. Gentleman to state that he has brought forward his proposition in the fairest possible manner. The right hon. Gentleman proposes to reduce the property tax, but not to an extent which would be inconsistent with the maintenance of the national faith. Upon that point, of course, I know well I could fully rely on the right hon. Gentleman. Even if the income tax is to be totally abolished, it is obviously impossible that so large an amount could be reduced at once; and I admit that if that policy is to be pursued, the right hon. Gentleman's proposal is the first and necessary step in that direction. There is, however, this difference between us—I think the policy wrong. I admit that the property tax was at first imposed for a temporary purpose—that of meeting a deficiency—and that the temporary purpose is accomplished. It was accomplished in 1845. But in that year the tax was renewed for a different purpose. It was renewed for the purpose of enabling the House to make an improvement in financial legislation by removing impolitic restrictions, by reducing the price of articles of consumption, and repealing duties which checked and retarded the development of industry. I will further admit that those objects have, to a great extent, been accomplished. But there still remain other objects of the same description to be accomplished, such as those which I have detailed to the Committee to-night, and I cannot, consistently with the policy of which I approve, propose the repeal of the property tax until these objects shall have been accomplished. I admit freely that any material reduction of the income tax ought to be followed by its final extinction. Nothing is so impolitic as a small income tax. I do not think that the amount payable under the income tax presses heavily on those who pay it. I cannot think that to a man having an income of 5,000*l.* a year —whether derived from land or from a profession—the payment of 150*l.* annually for the security with which he enjoys his income is a heavy tax. Doubtless, this tax is open to objection on account of its inquisitorial nature; but that objection applies as much to a tax of a penny as to one of a shilling. If we are to have an income tax, let us at lest fix it at an amount which will enable us to derive substantial benefit from it. My belief is, that if the changes which I propose be made, we may look with confidence to the revival of the revenue before any long time shall elapse. We shall then be in the same position in which we now are with respect to the repeal or reduction of the income tax, but shall in the mean time have got rid of the objectionable parts of those imposts which I now propose to remove. Let me direct the attention of the House to what has taken place during the last few years, in order to show how probable such a result is. I take the year in which the income tax first came into full operation, and the last year of which we have an account. The first year in which the income tax was fully paid was the year ending April 5, 1844; the last year of which we have an account is the year ending 5th April last. Now, the ordinary revenue, that is, the revenue derived from the Customs, Excise, Stamps, and Taxes in the year 1843–44, was 45,593,000*l.* Between that time and last year, seven millions of taxes have been repealed; and yet in the last year the revenue was equal to that of 1843–44, namely 45,600,000*l.* Seven millions of taxes repealed, but still, even under the pressure of the income tax, the revenue reviving and being of the same amount at the end of that time as it was at first!

With this proof before us of the elasticity of our trade and industrial resources—with this evidence that the income tax does not press very heavily upon them—I am justified in believing, that if we reduce these objectionable taxes, we shall before long be again in the same position in which we are now with respect to revenue, while we shall have had the satisfaction and the advantage of freeing trade from its fetters, enlarging the fieldof our commerce, and—what I hold to be of even greater importance—improving the condition and augmenting the comforts of the great body of the people. I will not further anticipate the discussion that will take place on Monday respecting the income tax.

I have now detailed to the Committee the proposals that we make to them for their approval—a reduction of the duty on one great article of consumption, the reduction of the duty on one important raw material; the removal of one and the reduction of another most objectionable protecting duty; a large relief to householders both in town and country, and a measure which I believe to be necessary for the welfare and comfort, the morality and health of the people. The proposal of the right hon. Gentleman opposite, on the contrary, is to reduce a tax which at any rate presses only on those who have adequate means of paying it, and which reduction would render impossible the execution of any of those measures which I have submitted to the Committee. If his proposal is adopted, no material relief can be given from the inequality and unhealthiness of the window tax, no relief by which the great mass of the population of this country will be benefited. I have to remind the House further that this proposal is coupled, not indeed by the right hon. Gentleman, but by that great party whom he now represents, with the suggested imposition of a duty on the importation of foreign corn. If that policy is fully carried out, not only will those benefits be withheld from the labouring man which we propose to confer upon him, but he will be deprived of those which he already enjoys. Sir, I cannot sufficiently deprecate the results which must flow from such legislation. I have on many recent occasions stated that I attach—and I do still attach—more importance to the political than to the commercial results which must ensue from the reversal of that legislation which has recently taken place so much for the benefit of the population of this country. I believe it to be essential to the stability of our institutions that the great body of the people should be contented and happy. I believe that if they feel that they are the objects of our solicitude—that the improvement of their material and moral condition is a matter which the Legislature has at heart, they will remain gratefully attached to the Constitution.

I believe, that under such circumstances, the great mass of the people will continue as firm in their loyalty as they were three years ago; that we may laugh at the danger of any disturbance of the peace, the apprehension of which seems to have taken such possession of the minds of some hon. Members; and that we may bid defiance to those outbursts of popular feeling which a short time since overspread a large portion of Europe, and which in too many instances have only been quenched in blood.

Mr. HERRIES said that, after what had been stated on the previous night, he did not expect that the right hon. Gentleman the Chancellor of the Exchequer would have taken the present opportunity of provoking that debate which, by common consent, it was yesterday agreed should not be taken until Monday next. But not content with vindicating his own proposition for a renewal of the Property Tax that night, he had attacked—not the policy with regard to that tax alone—but the general policy of those who were opposed to that proposal. He would not, however, be led on that occasion into the examination of the efficiency of the charges which the right hon. Gentleman directed against that policy; but this he (Mr. Herries) would announce to the House—that this speech and this Budget of the right hon. Gentleman was a formal intimation to that House and the public, that the Property Tax was to be perpetual. Out of that conclusion—with the principles of the right hon. Gentleman—with the course which he at present was pursuing, and the grounds on which he pursued it—they could not by any possibility escape. He regretted that, consistently with the understanding to which they had come last night, he could not resist, on the present occasion, the passing of the vote which the right hon. Gentleman had submitted to the House. On Monday, however, he would give the reasons for his resistance to the right hon. Gentleman's proposals, and he trusted to convince the House that that renewal was a step they ought not to sanction. If there was any person in the world who ought to have shrunk from the utterance of such sentiments as those they had heard that night from the right hon. Gentleman, it was the right hon. Gentleman himself. But having uttered those sentiments, he (Mr. Herries) was provoked to make a reference to his former sentiments, when the question of renewing the Income Tax in 1845 was discussed. At that time he (Mr. Herries) had contendod, in opposition to the right hon. Gentleman, that Sir R. Peel had a legitimate right to propose that renewal; and the House wisely, as he then, and as he still thought, was induced to concur in that proposition. When Sir Peel proposed to renew the tax in 1845, he reminded the House that he had originally proposed it for the double purpose of supplying a great deficiency, and to carry out a great improvement, and that then (in 1845) the objects for which it was first proposed were not completed. He also reminded the House that at first he had originally proposed the tax for a longer period; but that he had eventually been contented to take it for three years only, in the belief that if it was necessary, in consequence of that period being too short for the full result of the experiment to be produced, the House would consent to lengthen its continuance; upon that ground alone it was that, in 1845, the proposal was made to Parliament for a limited renewal of the tax. But what said the right hon. Gentleman then? Sir R. Peel had been saying that he believed that this tax pressed mainly on the rich, and that it did not touch the poor at all; but was the Chancellor of the Exchequer of that opinion then? It appeared from the published reports of the debates, that Sir Charles Wood said then—

> "So far from being a tax which pressed exclusively on the rich, he believed it pressed on the labouring population by diminishing the means of giving them employment. He did not believe that Sir Robert Peel himself could think it was a tax which bore exclusively on the rich; for, if he did, why did he not impose it in Ireland?"—[3 *Hansard*, lxxvii. 583.]

Did the right hon. Gentleman still retain those opinions? But there was another reason which the right hon. Gentleman gave—he (Mr. Herries) would gladly have abstained from mentioning the matter at all, but was compelled by the attack made by the right hon. Gentleman. The right hon. Gentleman then spoke to the point—would that he did so now—that there was danger of making this tax perpetual:—

> "He declared that the question should be fully and fairly discussed whether the tax was to be regarded as a permanent one or not. Let that point be discussed on its own merits; and let not the House be led step by step into a course from which afterwards it would be impossible for it to be extricated."

That was his opinion then, but surely this language was very much at variance with that which the right hon. Gentleman has just held on the same subject; and on Monday he (Mr. Herries) would show the House such reasons as he trusted would be sufficient to induce the House, before it made this tax unavoidably perpetual, by consenting to its renewal upon the very first legitimate opportunity which had occurred when they might fulfil the engagement of Parliament—the engagement of Parliament that it should not be permanent, but should only continue for a fixed time—if they lost this opportunity, there was no man in England so foolish as to imagine it could ever be taken off. He intended to urge that question fully on Monday night; but after what had passed, he must reiterate his regret that he was not then in a condition to go into the subject, and take the vote of the House upon it. He could not, however, sit down without adverting to some of the other topics touched upon in the speech of the right hon. Gentleman. He had marvelled much at the course of reasoning pursued by the right hon. Gentleman, but, most of all, at the nature of his arguments with respect to the maintenance of a surplus revenue. He was astonished greatly to hear from the lips of the right hon. Gentleman all the arguments usually urged by the Conservative side of the House with respect to the necessity of maintaining the public credit; but still more astonished to find that after all his high-sounding words, the right hon. Baronet abandoned so much of his revenue that the surplus was proposed to be reduced to 300,000*l.* or 400,000*l.* The right hon. Gentleman talked largely of the necessity of keeping a certain surplus for the sake of the public credit; and nothing he had ever heard in the course of his Parliamentary experience had sounded so inconsistent, when he found that 350,000*l.* was all that he himself made it possible could be reserved. Was this fulfilling those high and lofty pretensions respecting the maintenance of public credit, and of an ample provision for the public service? The right hon. Gentleman's proposition was, in truth, the very reverse of all his propositions. If he intended to pursue this policy, his eulogy of Lord Stanley was as much out of place as were many of the topics of his speech, which was simply to have introduced a Motion for the renewal of the income tax. That Motion could have been discussed without reference to corn duties or free-trade. It was purely an economic fiscal question, and he hoped to be able to show that if they wished to administer usefully, fairly, and, above all, honestly, the financial affairs of the country, the House ought to resist the renewal, unnecessarily and upon insufficient grounds, of the property tax. The right hon. Gentleman astonished him also by his boldness, and by the very little feeling he seemed to have towards Chancellors of the Exchequer who had administered the monetary affairs of this country before him—even of the Chancellors of the Lord Melbourne's Administration, although the right hon. Gentleman himself then held an office of great importance in connexion with the finances, and who, if the principles which he now talked so much about had then animated him, should have then come forward and done his best to serve his country. His remarks on the general principles which ought to actuate financial administrators fell hard upon those who were in office between 1837 and 1842, and he seemed to have forgotten what had occurred in that period, after which Sir R. Peel fortunately came to the rescue, and saved the country from the state into which it had been plunged by six successive years of Whig deficiency. Had the right hon. Gentleman forgotten what the right hon. Member for Ripon so aptly called "the straightdownward course taken by the Whig Government?" There was another point to which he must allude, and that was the refusal of the House in 1848 to double the income tax. All that passed on that occasion must have escaped his memory. The right hon. Member must have forgotten that his first proposal was a double income tax. And when the House refused to give that double income tax, the Government found the means — a salutary lesson for the House of Commons—to obviate its necessity. What was the cause of the embarrassment and difficulty in which the Government were then plunged? It was their own unwarrantable augmentation of expenditure. Had the right hon. Gentleman forgotten that the Army, Navy, and Ordnance, had increased three millions beyond the average amount of the previous seven years? There was, however, another cause, namely, the desolation and the ruin scattered over the mercantile community by that unfortunate Act of 1844, which operated upon the currency, and of which the present Ministers were, if not the sole authors, the chief authors. He (Mr. Herries) had voted for the renewal of the income tax in 1848, because he believed that such was the state of the finances, owing to the unnecessary increase in the establishments of the country, and such the embarrassments created by their currency measures, there was no other way of supporting the credit of the country. But the state of things was now stated to be altogether different, everything was smiling —and if they now renewed the income tax, depend upon it the people would never get free from it again. With respect to other parts of the budget, there were some changes which were undoubtedly improvements, and he trusted the right hon. Gentleman's friends, who had latterly not treated him very cordially, would receive them with favour. It must be remembered that the vote to-night would be on nothing but the question of the resolution for the renewal of the property tax, as he should adhere to the clear understanding that the discussion should be taken on Monday. If the House should then agree to take this first legitimate occasion which had presented itself to fulfil the intentions, and maintain the engagements between the Parliament and the people with respect to the income tax, then the other proposals of the right hon. Gentleman would not have much prospect of being carried into effect. However the House might approve of the doctrine of the right hon. Gentleman, which was to keep a large surplus, in order to maintain public credit, and to diminish the public debt, it would not, he thought, feel very willing to adopt his plan, which was to take away all the means of carrying out his doctrine. He told the House that the right way to maintain the honour and interests of the country was to keep a large surplus, and then, after a cloud of such fine sentiments, quietly managed to have no surplus, no means of defraying any part of the national debt; and made no attempt to show that there would be at any future time, if the House did not avail itself of the present, any opportunity of making a beginning of the end of the income tax.

Lord R. GROSVENOR said, he had never joined some hon. Gentlemen with whom he usually acted in their opposition to the Income Tax. He had always considered it desirable that there should be more of direct taxation than there had formerly been. In the course of the debates on the Income Tax, he had declared the principles on which he supported its imposition; and he would now again state that nothing would give him greater satisfaction than to see that tax permanently imposed on the country; provided it were fairly assessed. When his right hon. Friend the Chancellor of the Exchequer was assailed from so many quarters, he (Lord R. Grosvenor) told him that he thought his Budget was a perfectly honest and practical one, not framed so as to catch popularity, but based on principles which the House had sanctioned. He considered the feeling of the right hon. Gentleman to be that of relieving industry and taking off taxes which rendered articles of prime necessity dearer to the people; and in order to carry out that policy, it was absolutely necessary that direct taxation should be maintained. He confessed he had never been more astonished than he was at the outburst of indignation which came from the metropolis when his right hon. Friend proposed to take off the window tax, and impose a house tax. His answer to objectors was uniformly this—that he should be very happy to put into his own pocket the amount which he paid for income tax; but that so long as the poor man's tea, coffee, tobacco, and newspapers were so highly taxed, he could not do so conscientiously. He did hope that, now that the effervescence had subsided, his constituents would come to their senses; and he also hoped that his hon. Friends the metropolitan Members would come to theirs. The Chancellor of the Exchequer had that night proposed what appeared to him (Lord R. Grosvenor) a very proper substitute for the window tax. The right hon. Gentleman had stated that 150*l*. per annum was not a large sum for a man with 5,000*l*. a-year to pay for the enjoyment of that fortune in peace and security. He quite concurred in that view; and he could not forget that the working classes did not pay one farthing towards the income tax. It was, too, quite remarkable that, since the imposition of this tax, political agitation had, with the single exception of the year 1848, when there were peculiar causes of agitation, been almost extinct in the manufacturing districts, where it had previouly worked so much injury. The Chancellor of the Exchequer had called upon the House to join him in withstanding any attempt to reduce the taxes on articles of small consumption. He must say that that was tantamount to saying that small amounts of taxation, however unjust, ought to be retained for the sake of reducing taxation which produced larger sums. Now the principle of that, he (Lord R. Grosvenor) did not understand. He must say that nothing could be more unjust than to select one single profession for the purpose of levying from it 200,000*l*, a year. So strongly did he feel on that point, that he had pressed his right hon. Friend to include the tax in his scheme of remission; and he begged to give notice, that on the earliest day on which he could obtain an opportunity of doing so, he should move the repeal of the tax on attornies' certificates.

Mr. HUME said, the right hon. Gentleman the Chancellor of the Exchequer had complained that he (Mr. Hume) had proposed something that would endanger the public credit, but he sat down without making any further allusion to the subject. The right hon. Gentleman proposed to pay off the funded debt at the rate of a million a year, and what he (Mr. Hume) had said, was, that he objected to that proposition while taxes so obnoxious were levied by the Excise, and were pressing on the industrious classes. The right hon. Gentleman had told them that he had a surplus of 1,800,000*l*., and that he would reserve 900,000*l*. in hand to meet the expenses of the Kaffir war; and he (Mr. Hume) wished, before making any further observation, to ascertain from the right hon. Gentleman what portion of the surplus he meant to apply to the reduction of the national debt, as the nature of his observations must depend on what the right hon. Gentleman stated.

The CHANCELLOR OF THE EXCHEQUER was surprised, that of all persons the hon. Member should not know what was the uniform operation under the Act of Parliament for the purpose of paying off the national debt. Surely the hon. Gentleman must know that one-fourth of the surplus was the only part of it annually applied for paying off the national debt.

MR. HUME declared that it was on that ground he wanted to exhaust the surplus by the reduction of taxation. It was because the Act of Parliament directed that the surplus should be so appropriated that he desired to have no surplus while there were taxes unrepealed that press heavily upon the people. The right hon. Gentleman said he would continue the tax upon property for the purpose of affording relief to the working classes; but would, paying off one million a year of the capital of the debt relieve the poor man ? [An Hon. MEMBER: Yes, there would be less interest to pay.] He wished to know in what way ? The reduction of the interest would come round very seldom, and if the soap tax were removed, would it not confer more benefit on the working classes than by paying off a million of the national debt ? He thought they should take off the tax on paper and advertisements, and even on the stamps on newspapers, before they proposed to pay off the capital of the debt ? The noble Lord who spoke last, seemed to be satisfied with the right hon. Gentleman's statement ; but he (Mr. Hume) would call attention to the mode in which it was proposed that the house tax should be levied. Was it, he asked, fair that a heavier tax should be laid on old houses than on new and more valuable ones ? He was sorry to see that the right hon. Gentleman (Mr. Herries) had gone away; that right hon. Gentleman might vent his indignation about the income tax, which he (Mr. Hume) was prepared to maintain with the view of reducing the other taxes that press upon the people, but he would not wish to maintain it for the purpose of keeping up expensive establishments. The paper which had been moved for by the hon. Member for Liverpool (Mr. Cardwell), and delivered on the preceding day, afforded a proof of the truth of his assertion with respect to the expense of their establishments. There was a deficiency for six years, beginning in 1837, and continuing until 1842, and the deficiency arose from the increase of their establishments. The Army was raised from 11,000,000*l*., and 12,000,000*l*. to 16,000,000*l*. and 17,000,000*l*., and the Miscellaneous Estimates were raised from 2,000,000*l*. or 2,250,000*l*. to 3,000,000*l*. or 4,000,000*l*. He was sorry that the right hon. Gentleman (Mr. Herries), who seemed to be so indignant with the income tax, did not assist them in reducing the expense of the public establishments. The Gentlemen opposite remained away when the estimates were proposed, and therefore the right hon. Gentleman the Chancellor of the Exchequer was warranted in saying, that having done so, they now had no right to complain; but the Members near him (Mr. Hume) objected to the estimates, and they had a right to complain. The estimates were 4,000,000*l*. more than would be required if the Gentlemen on the other side, who belonged to what was called the distressed interest, supported the reduction of those establishments. Then they could get rid of the income tax altogether, for the revenue without it would be fully capable of paying every farthing of the expense of the legitimate establishments which for ten years were adequate for the purposes of the country : 5,000,000*l*. of taxes had been repealed on most important articles, and to have a margin for doing it, the late Sir Robert Peel asked them to pass the income tax; but he did not propose that it should be a permanent tax. The objections to the income tax arose mostly from the offensive manner in which it was collected. The House would recollect that the late Member for Oldham had been charged income tax on 15,000*l*.; he showed his books, and proved that he had lost 10,000*l*. ; but the Commissioners compelled him to pay. Application was made to the Government, but the answer was, that they had no power over the Commissioners. A similar result had followed the complaints made against similar exactions in the Tower Hamlets. No taxes ought to be levied off Her Majesty's subjects which were not under the control of the Ministers; and of the many arguments against the income tax not the least serious was that the Ministers, when once it was agreed to by that House, seemed to have no control in its mode of collection. He was not opposed, however, to the principle of the income tax, and he could easily understand that such an impost might be necessitated by the circumstances of the country. However, he (Mr. Hume) would pay 7 per cent on income rather than see the duties on malt, soap, paper, and all those taxes continued. He wanted, also, to enable the poor people out of employment to advertise for situations without paying a duty for doing so, and that they should be placed in the same position in that respect as the people of America, where one newspaper contained 1,000 advertisements, put in free of duty. The right hon. Gentleman the Chancellor of the Exchequer said he would promote every object that would carry out their sanitary regulations: but was there not also the ignorance of the country to be combated with? Should they not remove so objectionable a tax as the duty on paper, rather than pay off 1,000,000*l.* of the public debt? They were complaining of their criminals, but they were adopting no radical means to prevent vice or crime. He would tell them that instruction and education were the best means to sap the foundations of crime, and to remove the misery that frequently leads to crime. He would ask the Gentlemen opposite on Monday to support him in his exertions to put down unnecessary expenditure, and remove the taxes that pressed so heavily as some taxes now do upon the community. The hon. Gentlemen would have time, before Monday, to consider whether they would take that course which would give the greatest possible relief to the great mass of the people.

Mr. TRELAWNY was of opinion that they should endeavour, if possible, to apply 2,000,000*l.* annually to the reduction of the national debt. He had no doubt some persons would think that was a Quixotical proposal; but he believed it to be the truest mode of reducing the pressure of taxation upon the people. There were applications from different quarters to reduce the taxes that fell upon particular individuals, such as the window tax, or the tax on attorneys for example; but what he (Mr. Trelawny) desired was, that the reduction should spread itself over as large a circle as possible, for if they reduced the taxation on the people generally, it would benefit them more effectually than any other process. The working classes were ultimately obliged to bear the burden of taxation in whatever way it was laid on: for instance, when they taxed the rich in a large per centage on their capital, it was absurd to say the poor did not pay the tax, for the tax diminished the wages fund, and the wages of the working classes were consequently reduced. The right hon. Member for Stamford (Mr. Herries) had let the cat out of the bag, and had disclosed an intention of reimposing a duty on foreign corn. But he could promise the right hon. Gentleman, that by doing this, he and his party would incur as much unpopularity as the Chancellor of the Exchequer had by showing an intention of perpetuating the income tax. What he (Mr. Trelawny) would urge upon the House was, that they should endeavour to reduce the debt in the manner he had already proposed. When the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) was Chancellor of the Exchequer, he had cleared off about 60,000,000*l.* of capital of taxation by reducing the annual charge on the debt to the extent of 1,500,000*l.* He effected that object by getting persons to take a smaller per centage than they had previously received; and the consequence was, that if the country required money for a foreign war or for internal purposes, they could now borrow it on more easy terms. He thought they ought to maintain an honest and manly system of finance, and in the long run they would not suffer from it.

Mr. H. BAILLIE said, he did not mean to enter into the general discussion, but to confine himself to the proposal for the renewal of the income tax. He had heard with regret that it was not the intention of the Government to make any reduction or modification of that tax, but that it was to be reimposed with all the original objections. He had been somewhat surprised to hear some of the arguments by which the right hon. Gentleman the Chancellor of the Exchequer sought to recommend the measure to the House. The right hon.

Gentleman stated that he had been originally adverse to the tax, but had seen reason to alter his opinion, in consequence of its having enabled him to effect large reductions in import duties. He said he had been enabled to reduce the import duties, and to substitute indirect in place of direct taxation; and he then called upon the House to support the income tax, on the ground that it was his intention to follow in the footsteps of the late Sir Robert Peel. Now, he (Mr. Baillie) must protest against the supposition that Sir Robert Peel had recommended the income tax to the House on such terms as these. Sir Robert Peel, when he first proposed it, proposed it upon the ground that there was a great deficit in the Exchequer; that there had been in several preceding years an annual deficit in the Exchequer; that it amounted to a very large sum of money, and, therefore, he called upon the House to sustain the public credit. He then proposed the income tax for a limited period, because, as he believed, the resources of the country would not require it to be imposed for a longer period than three years. This was the general ground on which he proposed it in 1843. But, what did he propose as the grounds for its renewal in 1845? He then said—

> "I do not wish to say one word in favour of the continuation of this tax beyond the three years. I do not think the House will agree that the income and property tax as now imposed ought to be permanent.—[3 *Hansard*, lxxvii. 495.]

Well, then, what was the statement of Sir Robert Peel in 1848 when the right hon. Baronet (Sir C. Wood) proposed its renewal again? He then said that—

> "One of his reasons for asking the House to consent to a continuance of the income tax for three years longer was, that last year, in a time of peace, they had been obliged to add 10,000,000*l.* to the debt, and that on that very account increased efforts ought to be made to meet the expenditure of the country."—[3 *Hansard*, xcvii. 295.]

Now, the present Chancellor of the Exchequer asked the House to renew the income tax in order that he might be enabled to remove import duties; but, if that were so, the House would be very much inclined to perceive that the income tax was likely to remain a permanent burden on the people; and, if it was to be a permanent burden, then it would be for hon. Members to consider whether there ought not to be some modification of the great injustice which the tax undoubtedly worked. They would all be disposed to admit that the tax acted most unjustly with reference to professional income—men whose income depended on their exertions and even on their health. No one would be prepared to dispute that some modification of it might be adopted by means of a graduated scale which might embrace that class of persons. But now he (Mr. Baillie) would call attention to the unjust operations of the tax on the owners and occupiers of land. He should like to know why the owners and occupiers of land should be deprived of the privileges enjoyed by other classes of the community, such as bankers and merchants —he meant the privilege of returning annually the net produce of their receipts, and paying on that net produce? Now these owners and occupiers were compelled to pay on their nominal income, which was very different from their net income, after they had paid all expenses. On what ground, then, was it, if we were to have this as a permanent tax, that the landed proprietor should not be allowed to pay on the net produce of his income? Farmers, again, were taxed upon their supposed profits. But, now, he wished to bring a particular case under the notice of the House, in order to exemplify the injustice of the tax. It was a case which had been brought under his own particular observation, because the gentleman was one of his own constituents, and he believed it had been brought under the notice of the right hon. Gentleman the Chancellor of the Exchequer, in the shape of a memorial to the Lords of the Treasury. The gentleman owned a very large estate on the west coast of Scotland—an estate on which he had been paying the income tax on a rental of not less than 5,000*l.* or 6,000*l.* a year. He stated that for the last four years he had not received one sixpence of income from that estate, but that, in addition to the entire rental being absorbed, he had advanced 1,000*l.* a year from his own private resources. This was an injustice which surely might be remedied; but what was the answer of the Lords of the Treasury to this gentleman's memorial? They stated that it was a case of great hardship, but that the law was imperative, and they could give no redress. He sincerely trusted that the House would enter fully into the question of whether the tax was to be permanent or not. He was not objecting now to its being made permanent, or even to its increase, but he was advocating the necessity of its being fully and properly adjusted.

Mr. W. WILLIAMS said, the people of England were now anxiously expecting that some change, in accordance with the expressed feelings of the inhabitants of the large towns, would be made in the amended Budget; but he believed that great surprise would be felt at finding that no change had been made. The right hon. Gentleman the Chancellor of the Exchequer had boasted that he was now placing the house tax on a rational footing; and, no doubt, if the principle of a house tax were admitted, the right hon. Gentleman had placed it on such a footing; but he (Mr. Williams) contended that there was no necessity for the imposition of any house tax at all, and therefore he should give the proposal the most decided opposition in every stage of its progress. A most extraordinary error had been made in the right hon. Gentleman's calculations, for he had assumed that the falling off in the revenue would equal the amount made in the reduction of taxation. This principle was entirely erroneous, as would be seen on reference to the past. In five years, from 1822 to 1826, 13,500,000*l.* of taxes had been taken off. The falling off of revenue during the same period had amounted to 4,700,000*l.*—showing that the falling off of revenue was only about one-third of the amount of taxes reduced. In eleven years, from 1830 to 1840 inclusive, 8,600,000*l.* of taxes had been taken off, and the falling off in revenue during that period was something over 2,700,000*l.* He now came to an extraordinary period. The House would remember that the reductions made by the late Sir Robert Peel commenced in 1842; and from that time until 1850, a period of nine years, a reduction of taxation had been effected to the extent of 5,128,000*l.*: and hon. Members would be surprised to find that last year's taxes were 4,700,000*l.* more than they had been in 1841. Now the reductions in 1848, 1849, and 1850, amounted to 2,284,000*l.*, and yet the increase of the revenue for the present year, according to the estimate of the Chancellor of the Exchequer, would be 500,000*l.* over that of 1847. Still, in the face of this, the right hon. Gentleman had laid down the principle that the revenue was likely to fall off to the extent of the reduced taxation, whereas he (Mr. Williams) contended, as he had before, that this was utterly erroneous, and that, viewing it in the light of a mercantile transaction, there was no necessity whatever for the imposition of a house tax. The right hon. Gentleman had laid great stress on the great falling off which had taken place in the revenue previous to the imposition of the income tax. But how did that arise? The commencement of it was in 1839, and it continued during 1840, 1841, and 1842, and in those four years the expenditure exceeded the revenue by 9,200,000*l.*; but if the limited expenditure of 1833, 1834, 1835, and 1836 had not been augmented in the subsequent years, the income tax would have been wholly unnecessary. He had been quite surprised to hear the noble Lord the Member for Middlesex (Lord R. Grosvenor) delivering a lecture to the metropolitan Members, and saying that "they had been out of their senses." Now the difference between the senses of the noble Lord and the senses of the metropolitan Members was this—that if the Gentlemen on the Treasury benches were in their senses, the noble Lord was in his senses—but that the metropolitan Members were uninfluenced by no considerations arising from the senses of the Treasury benches, but were solely guided in their conduct by what they considered the interests of their constituents. He would not occupy the attention of the House at present with any observations on the proposed continuance of the income tax, particularly as the debate on that subject would take place on Monday; but he would content himself with repeating that, believing the house tax to be unnecessary, and that the revenue would not fall off to the extent the Chancellor of the Exchequer anticipated, he would give to the imposition of that tax his most decided opposition.

Lord R. GROSVENOR hoped that after the extraordinary charge which had just been made against him, the House would permit him to say a word in explanation. He appealed to hon. Members whether the charge was not utterly destitute of foundation. The hon. Member for Lambeth accused him of having said that the metropolitan Members were "out of their senses." Now, what he (Lord R. Grosvenor really did say was this: he expressed a hope that the metropolitan Members "would come to their senses." In order to vindicate himself, the hon. Member for Lambeth had said that he (Lord R. Grosvenor) was so thoroughly tied hand and foot to the present Ministry, that if they were in their senses, he was in his senses. Now, he did not feel it necessary to say more in reply to such an accusation, than this—that those who had returned him to that House would not return any man who would sacrifice his independence in the manner here alleged. He had sat there for many years, and never until that moment had such a charge been brought against him. He had sometimes differed with the Gentlemen on the Treasury benches, and then he had taken an independent course, which had been deemed deserving the approbation of the 14,000 electors who had returned him to that House.

VISCOUNT DUNCAN said, he would not occupy much of the attention of the Committee, as many occasions would be afforded hereafter for the discussion of the Budget; and it gave him extreme gratification that he might now be very brief in his remarks. In 1845 he first brought the question of the window tax under the notice of the House of Commons. Since then he had delivered many speeches on the subject; and he had generally been met by the several Chancellors of the Exchequer with anything but a satisfactory reply. On the present occasion, however, it gave him much satisfaction to hear, in far more eloquent terms than he could use, and that from his right hon. Friend the Chancellor of the Exchequer, a detail of the deep injuries the window tax inflicted on the working classes of this country. The noble Lord the Member for Middlesex had expressed his surprise at the burst of indignation with which the previous Budget had been met. He (Viscount Duncan) had joined in the burst of indignation, but he could not now concur with those who regarded this second proposition as exactly similar to the former one. On the contrary, the two propositions were very distinct, differing totally from one another; and, therefore, it was very possible that different opinions of both would be entertained by the country. He believed the Committee would agree with him in thinking that the noble Lord the Member for Middlesex was influenced by a sense of public duty; at all events, he (Viscount Duncan) recollected with pleesure the several occasions on which he had received from that noble Lord the most disinterested support. With regard to the propositions in the first Budget, it would be recollected that the right hon. Gentleman the Chancellor of the Exchequer had endeavoured to retain two-thirds of the window tax on the old houses, and that the new houses were to be treated in a very different manner. That appeared a most unjustifiable principle, and one that could not be defended. Another objection to the original proposal was this, that the number of windows in houses could only be ascertained by another assessment throughout the kingdom, and then, he believed, it would be found that houses had a far larger number of windows than was supposed, thus raising the amount of the tax upon the individual occupiers. There was another objection — namely, that 30,000 houses which were now exempt from taxation would be included in the original plan. Now, with respect to the present plan, which certainly seemed to prove the truth of the old adage, that "second thoughts are best," it involved the total abandonment of the window tax. In the second place, relief was to be extended to the amount of 500,000*l.* a year more than the original plan contemplated; and, in the third, 90,000 houses would be relieved altogether by the present plan. Now, without expressing any decided opinion on the point at present, he must say that at the first blush of the matter he thought the second a very great improvement on the previous plan, and also that the public were very much indebted to those metropolitan Members who had come in for some censure for the active conduct they had displayed during the recent agitation of the subject. He concurred in the principle which had been laid down, that hon. Members ought to do that which was likely to prove most beneficial to the great mass of working and labouring population of this country; and without pledging himself to support this second plan, he would content himself with saying that he considered it far preferable to the former one.

SIR B. HALL, as one of the metropolitan Members who had lately been "out of their senses," begged to remind his noble Friend that he might rather have said it was the Chancellor of the Exchequer who had been out of his mind, for the metropolitan Members had not changed theirs. He recollected a remarkable speech made by the right hon. Gentleman the First Lord of the Admiralty, when out of office, with reference to the income tax; and there was a general impression, when that right hon. Gentleman took office, that it was almost a guarantee that there would be a different arrangement with regard to that tax. Before saying anything upon the window tax, he must allude to what had fallen from the Chancellor of the Exchequer relative to a certain meeting or meetings that had taken place in the metropolis. The right hon. Gentleman expressed himself as surprised that any persons at that meeting should have been, as he said, favourable to a breach of good faith with the public creditor. He did not know to what particular meeting the right hon. Gentleman referred. There had been a number of meetings in the metropolis, but he knew of no individuals who at any of them had expressed a desire for a breach of good faith. What was contended for was, that by means of economy and a proper administration of the affairs of the country, a sufficient amount might be saved to enable them to repeal the income tax. The right hon. Gentleman had also referred to the statements made to him by various deputations on the subject of the window tax, to the effect that they advocated its repeal on the ground of sanitary reform. But those deputations merely took up the question of sanitary reform because that was the position which had been taken up by Gentlemen who were now Members of the Government—many of the Whigs when out of office having contended on sanitary grounds that the window tax should be repealed. With regard to the scheme of a house tax proposed by the right hon. Gentleman, he maintained that, so long as there was a possibility of reducing the public expenditure, no such tax ought to be imposed; and he was resolved to take the sense of the House on that question when the proper time came for doing so. The sum that would be derived from the imposition of this tax was 700,000*l.*, and he thought a reduction to that amount might easily be made in the expenditure of the country so as to render the tax unnecessary.

Mr. SPOONER wished to ask the right hon. Gentleman the Chancellor of the Exchequer whether he meant that tenant farmers were to continue to pay the income tax on an assumed rate of profit, though they might be farming at a loss?—whether he meant to make any modifications so far as life interests and professional incomes were concerned?—and for what period he intended to impose the tax?

The CHANCELLOR of the EXCHEQUER, in reply, said, that the proposal of Government was to renew the income tax for the same term for which it had hitherto been renewed, viz., for three years. With regard to the details of the schedule, he thought the hon. Gentleman would see that it was better to reserve the discussion on these points. There had been numerous objections offered that evening, to Schedules A, B, and D; and to unravel the complicated web would obviously be very inconvenient on the present occasion. He was prepared to go fairly into the fullest discussion of all these matters; but the Committee, he hoped, would perceive that it was not expedient to enter on such a debate at present.

Sir B. Hall

Mr. HENLEY considered that the extraordinary statements made that evening by the Chancellor of the Exchequer were of a tendency most destructive to public credit. The right hon. Gentleman started with a theory that it was indispensable, for the preservation of public credit, that in all financial arrangements, a large margin should always be left available at the disposal of the Chancellor of the Exchequer; but the right hon. Gentleman had totally failed, in his present proposals, in carrying that theory into practice. The right hon. Gentleman, oppressed with the "Stand and deliver" agitations of the hon. Gentlemen behind him, devoted the greater proportion of his surplus to the removal of existing taxes, and what was left, he hinted, would only be sufficient for contingent demands upon him; for instance, for the Kaffir war, which the last time cost this country 1,100,000*l.* Now this, as he (Mr. Henley) understood, was leaving to the Chancellor of the Exchequer no margin at all; and he therefore did not see in what manner, consistent with his own theory, the right hon. Gentleman intended to maintain public credit. The right hon. Gentleman had been guilty, he thought, of some clap-traps in referring to those who were called by the hon. Member for Finsbury "the people." The right hon. Gentleman had proposed in effect two schemes of direct taxation—the one being a house tax, and the other an income tax. The calculation was that of 3,500,000 houses, 3,100,000 houses would totally escape the tax now proposed to be imposed; and the right hon. Gentleman, in referring to the income tax, entered into an estimate which suggested that that tax would operate only in a similar ratio upon the country. Now he (Mr. Henley) regarded these proposals as completely subversive of public credit. These proposals were neither more nor less than to relieve from taxation the great majority of the community. It was not likely that if they legislated in this manner, they could rely upon a revenue. The right hon. Gentleman had said a good deal as to the popular impatience of taxation; but his present scheme was likely to alarm every one of those classes interested in the due preservation of the public credit. He had to express his astonishment at the information communicated to the Committee by the right hon. Gentlemen, in respect to the extraordinary claim of 400,000*l.* by the East India Company, considering so long a period had elapsed since the termination of the war with China. He hoped that some satisfactory explanation would be given of a claim preferred so long after the occurrence of the circumstances in which it was stated to have arisen.

Mr. MACGREGOR had heard several extraordinary statements from both sides of the House; but the statements and inferences of the hon. Gentleman who had just sat down appeared to him by far the most extraordinary. As he (Mr. Macgregor) viewed the question now before the Committee, he considered that there were two proposals—first, that they should go back to protection; secondly, that they should go forward with that system of policy which had been so ably expounded that evening by the right hon. Gentleman the Chancellor of the Exchequer. He, for one, must confess that he had been delighted to hear the speech and the statement of the right hon. Gentleman, and was fully prepared to support the policy of the Government. He could not conceive on what tenable grounds the hon. Gentleman opposite (Mr. Henley) could suggest any risk to the public credit in consequence of the present proposals of the Government. It was true that the Chancellor of the Exchequer would leave himself in possession of only a small surplus; but he (Mr. Macgregor) believed that that surplus would be rapidly augmented; and he did trust that it would be still further increased by large reductions in the various branches of expenditure. He was glad the right hon. Gentleman had resolved upon continuing the income tax; but, at the same time, he hoped that it would not be renewed without many and extensive modifications. He was glad also that a sounder principle had been adopted with regard to a house tax. The hon. Gentleman opposite (Mr. Henley) had contended that the financial policy of the right hon. Gentleman, relieved to too great an extent large classes of the community from the house tax and the window tax. But he (Mr. Macgregor) would maintain that that relief was only equitable; and that those classes who now sought to be exempted from the taxes referred to, contributed, in reality, in too great a proportion to the general revenue. For instance, a mason, a carpenter, or other artisan, earning on an average 5*s.* a day, paid, in the shape of taxes on the articles which he consumed, to the amount of 10½ per cent on his income. With regard to the coffee duties, he thought that the reductions proposed to be made, were still not large enough to prevent the evil of adulteration. But he admitted that the Chancellor of the Exchequer had been in a difficulty, and that, looking to the results upon the revenue, it would have been impossible for the right hon. Gentleman to have made any further reductions. On the whole, while he reserved his opinions on the details, which he considered demanded revision, he deemed the statement of the right hon. Gentleman as most satisfactory. The Budget presented on the former occasion, had, he thought, been greatly misunderstood by both sides of the House and by the country, and he trusted that on this occasion justice would be done to the right hon. Gentleman.

Mr. Alderman SIDNEY did not quite understand the arrangement proposed by the right hon. Gentleman the Chancellor of the Exchequer, in respect to the house tax, as it would affect shops. He should like to know if the advantages conferred on houses in connexion with shops would be extended to warehouses and manufactories? He appealed to the right hon. Gentleman whether he really was prepared to continue in its present state a tax inflicting such great injustice upon a large class of Her Majesty's subjects as the shopkeepers, and he would ask why those who had not paid the window tax were now to be called upon to pay this new tax. For the house he occupied he paid at present 21*l.* 17*s.* for window duty; and by the tax proposed to be instituted by the right hon. Gentleman he should be relieved to the amount of nearly 19*l.* per annum. A shop in London in any of the main streets was rated at about 350*l.* per annum, 300*l.* of which fell upon the business premises, and the remaining 50*l.* as the household rent of the party carrying on the business. The shopkeeper would now be called to pay upon the 300*l.* per annum, which he had not previously paid on. Why did the Chancellor of the Exchequer select the shopkeeper out of all the other classes of the community, and lay upon him a rating for his business premises of 6*d.* in the pound? He was willing to admit that the right hon. Gentleman had made an improvement upon his former proposition —but he would certainly not pacify by his present scheme the agitation which prevailed out of doors on this subject. As to the coffee duties, he could tell the right hon. Gentleman that there were great objections to his plan, and that the whole trade would be averse to it. He appealed to the right hon. Gentleman whether it was just that the coffee trade should be thrown into the unpleasant position they now stood with the public by evasion of the law respecting chicory, which nothing could justify. The Government with which the right hon. Gentleman was connected, partially repealed in 1840 an Act of George III., which prohibited the sale of articles resembling coffee—they repealed it by issuing a Treasury order, authorising the dealers not only to keep articles resembling coffee, but allowing them to mix these articles—chicory for instance, with the coffee. The Government ought now to consider whether that most impolitic order should not be immediately withdrawn. With respect to the income tax, he should offer to its continuance in its present most unequal and unjust imposition the most uncompromising opposition. In stating his objections to it, he spoke the sentiments of a large mass of the community. He felt greatly surprised that a Government, numbering among its Members the noble Lord opposite, and the right hon. the Chancellor of the Exchequer, after their recorded opinions of the manifest injustice and impolicy of this tax—should now, in the year 1851, come down to the House and ask the representatives of the people to perpetuate this tax, which they had themselves condemned in the strongest possible terms. He would read a short extract from a speech delivered by the noble Lord in 1845: the noble Lord said—

> "This has always been considered essentially a war tax, and imposition is not justified by any circumstances short of those of peculiar danger in our foreign affairs."

The right hon. Baronet the Chancellor of the Exchequer had stated in 1842, that his strong and confirmed impression of the injustice and inequality of the tax was undiminished. The right hon. Gentlemen had declared on that occasion that his opinions on the subject were entirely unaltered, and

he concluded by quoting three sentences from a speech by Mr. Fox, in 1798, when that statesman said—

> "It seems that the State requires great sacrifices. I grant it. But I ask if the necessity be such as to require this great injustice?"

It was on the same ground that he (Mr. Alderman Sidney) based his objection to the income tax. If it were proposed to renew it on fair principles, he should cordially support it; but if the income tax of 1851 was to be proposed with all its glaring inequalities and injustice—if that tax grinding down and compelling those who toiled for their daily bread to pay as much as the richest in the land—then he would oppose it to the last. He would refer to the hardship of the case of a particular set of men—corn-meters—under the pressure of the income tax. The bulk of these men did not earn the half of 150*l.* a year, and yet sevenpence in the pound was extorted from their hard earnings by this iniquitous income tax—observe in the same proportion as the wealthiest landed proprietors. At the same time he believed that the trading community of England—but for the tyrannous and inquisitorial nature of the tax—had no objection to the principle, if justly levied. But they did most determinedly object that a tax which now appeared likely to be permanent, should be again reimposed in the same unjust manner. The late Sir Robert Peel, in 1842, said that he allowed the inequalities, and would enter into no consideration of them, simply on the ground that the tax was only to be only of a temporary character; but now in 1851 the Government coolly proposed that it was to be imposed for three years more with all its inequalities and all its injustice. He fully agreed with the right hon. Member for Stamford (Mr. Herries), that if the income tax was imposed with its present inequalities, the Legislature would be imposing, not only upon the present generation, but upon posterity, a tax universally acknowledged to be at once impolitic and unjust.

Mr. BROWNE: Mr. Bernal, as many Gentlemen will be desirous of speaking on the Budget on Monday, I avail myself of the opportunity of saying a few words on the subject now; but first let me put the hon. Member for Oxford (Mr. Henley) right, as to the surplus of the year. From the window duty it is 568,000*l.*, and from other sources 350,000*l.* together about 900,000*l.*, quite little enough to meet possible contingencies. The hon. Member for Inverness (Mr. Baillie) states, that it is hard the landed proprietors should have income tax to pay on the full amount of their rents, notwithstanding that there are always heavy deductions from some cause or other. This is very true; but he must recollect that house property is in the same position: there are constant expenses attending it, and about every seven years heavy repairs are required to keep the houses in tenantable order, and the income tax is paid on the full amount of the rent. Now, with respect to the Budget, I consider it due to the shipowners, that the duty on timber, and every other disadvantage under which they labour, should be removed, as far as the revenue will admit. We have removed the Navigation Laws, and they now have to compete with all the world; we should, therefore, place them as far as possible in a position to meet that competition. The removal of the duty on coffee is a boon to the consumers, but more particularly to the labouring population, to whom this country owes much of its greatness and prosperity: that part of our population should never be lost sight of, for it is entitled to our warmest sympathies and consideration. The total removal of the window tax is most desirable; it will enable the inmates of houses to enjoy the blessings of light and air, and prevent the architectural appearance of houses from being injured, by the blocking up of windows. As the revenue cannot do without it, the substitute of a house duty in lieu of the window tax, is, as now adjusted, most equitable and fair. Those who receive little, will only be called upon to pay little; and those who receive more, will have to pay more. With respect to the property tax, there is a strong feeling throughout the country, that it may be more equitably adjusted; be that as it may, on this there is a considerable difference of opinion, but we shall hear it more fully discussed on Monday; but admitting, for argument's sake, that it is unjust in its arrangement, I nevertheless, for one, will take it as it is, rather than weaken the Government. I do not think we have, on this side the House, given Ministers that support which the exigency of the case required, or which they deserve. They have unquestionably been progressive in the right direction, which we deem of great importance to the prosperity and safety of the country. I am sorry to find that the right hon. Member for Stamford (Mr. Herries) means to bring forward a proposition which will, if carried, be a complete check to further progress, and which I view as an attempt preparatory to a retrograde movement in our commercial policy to the times of feudal ignorance. I do not wish to use the word offensively, but it is the first which presented itself to my mind. A noble Lord in another place has with great candour honestly avowed that, if he were in power, he would see no objection to impose an import duty on corn. I should regret the adoption of such a course; it would create an excitement in the country which, I fear, many of us would have too much reason to deplore. I therefore trust that honest free-traders will cordially unite in keeping in power the present Administration, and prevent the forcing upon us of a Protectionist Government. I am sorry that I do not see my hon. Friend the Member for Dublin (Mr. Reynolds) in his place, who the other evening, in the heat of debate, avowed his determination to oppose all measures of the present Administration unless a Bill, then under discussion, and to which he was opposed, was withdrawn; but I am sure that on reconsideration he will not be disposed to pursue any such course, and will give his cordial and hearty support to any and every good measure, whether brought forward by the Conservative or Liberal side of the House. I cannot persuade myself that he will pursue any other course than that which he thinks best for the benefit of the country. It is most desirable that during our transition state from monopoly to freedom, that we should have no change of Government; for, although rents in some cases may fall, yet as most other things will be bought cheaper, landlords will find that their money produces for them as many of the luxuries and necessaries of life as it did before; and I think they will not find themselves in a worse condition, whilst the nation will be in a much better one; and, after this, we shall be better able to discuss other matters coolly and temperately. By a little more tact on the part of Government, they might have turned the late majority against them in their favour on the Motion of the noble Lord the Member for Bath, about the Woods and Forests. All that some of us wanted was the annual accounts, and, to my surprise, they were on the table, which I, for one, was not aware of. Unfortunately, no civilised country can do without taxes; but I believe they are as light here, with our means of paying them, as in any country in Europe. It is nevertheless our duty to press the Government to economise and reduce them as far as possible. We must support our Army and our Navy—we must furnish the means for the administration of justice, the general expenses of Government, and to pay the interest of the national debt. This last item is a heavy one; but it is a price we must pay for defending us from being a colony of France, and from European despotism; and we must not forget that the necessary means must be raised to satisfy the public creditors. I cannot believe that any man in this country would be willing to see us in the category of Spain, playing the part of the Russian blue roubles, of the assignats of France, or in the position of one or two of the American States, who do not meet their engagements. No Chancellor of the Exchequer can be a popular man for many years when there are applications for reductions of duty on malt, tea, tobacco, wine, hops, soap, knowledge, and many other things, amounting to 15,000,000*l.* or 16,000,000*l.*, and with only 1,500,000*l.* to dispose of. Each party thinks his own claims for a reduction the strongest, and becomes dissatisfied if his views are not met. I consider that when all those claims are submitted to the right hon. the Chancellor of the Exchequer, it is the duty of Government to select such for reduction as they may deem most burdensome to the country, and they must take the responsibility of that reduction. Before I sit down, I would again urge all honest free-traders to unite and not risk leaving the present Ministers in a minority by which they would force upon us a reactionary Administration, and undo what we have so long and justly contended for—the utmost commercial freedom which circumstances will admit.

SIR DE LACY EVANS said, with respect to the duty on timber, the shipping interest was one of the most important in the country; and after the abolition of the navigation laws, he presumed that interest had very strong claims on the consideration of the Government. But he was not equally satisfied with regard to the house tax; and as he happened to have been engaged about sixteen years ago in repealing the former house tax, he should feel it difficult to vote for a renewal of that tax. But he must confess that the proposition of the right hon. Gentleman the Chancellor of the Exchequer was a very great improvement on that which preceded it; and so far he (Sir De L. Evans) could not help feeling a degree of satisfaction with respect to it. Whatever feelings might arise out of doors on this proposal, would be very much interfered with if any new branch of trade were brought under taxation which was not under taxation during the existence of the window duty. There were a great number of manufacturers, small and large, who had been hitherto exempted altogether from the window tax. He did not speak of dwelling-houses. There were a great many persons in this metropolis, and the large towns in the kingdom, who actually took large houses, not having any property in them whatever, for the sole purpose of letting lodgings. He did think that those persons—and they were a large class—had a fair claim to be put in the situation of shopkeepers, with reference to the proposed house duty. He entirely concurred with the hon. Member for Stafford (Mr. Alderman Sydney) as to the expediency of altering some of the provisions—more particularly the inquisitorial portion—of the income tax, though he (Sir De Lacy Evans) could not assent to the total repeal of it.

MR. STANFORD said, he did not agree with the hon. Member for South Lancashire (Mr. Brown) that the House was not to judge of the merits or demerits of this new proposition propounded by the Chancellor of the Exchequer, but that it deserved their support on the ground that it emanated from a Ministry of progress. He (Mr. Stanford) did not think that was a principle on which to conduct the business of the country. The right hon. Gentleman the Chancellor of the Exchequer had propounded his scheme, and it was for hon. Members to consider whether that scheme was for the benefit and tended to the welfare of the country, and not whether it was calculated to keep the Ministers in their places or not. He had listened with great attention to the speech of the Chancellor of the Exchequer on the occasion of the first Budget, when it appeared to him that the right hon. Gentleman himself felt—if Ministers ever did feel, which was a physiological problem he would leave to others to determine — that he had committed, and it appeared to him that the right hon. Gentleman had committed, what the witty Talleyrand had called worse than a crime—namely, a blunder. What the essential difference was between the proposition now made by the right hon. Gentleman and that which he had brought forward on the previous occasion, he (Mr. Stanford) could by no effort discover. The question was, if the income tax was to be renewed for three years, whether it was to be renewed without modification, without amelioration in the unjust mode of raising it, and the inquisitorial proceedings connected with it. In its present form it was most unjust, and everybody knew that the proposal to renew it was a proposal for its perpetuity. He wished to know in what mode the right hon. Gentleman proposed to raise the tax on its renewal. Some of the hon. Gentlemen who sat opposite had taken what he thought was an unconstitutional course, and had declared that if the Government did not unconditionally repeal the window tax, and if they dared to impose another in its place, those hon. Gentlemen had distinctly pledged themselves to stop the supplies. The Government had taken this very course, and yet he (Mr. Stanford) had now heard— ["No, no!"] He (Mr. Stanford) had heard the hon. Member for Marylebone (Sir B. Hall) express great approbation of the new Budget; the hon. and gallant Gentleman the Member for Westminster (Sir De L. Evans) had given a qualified approval of it; and he expected also to hear the hon. Member for Finsbury (Mr. Wakley) give a similar opinion on the subject. He (Mr. Stanford) had attended a meeting where he had heard the hon. Member deliver a most eloquent speech, in which he had declared that a window tax was not to be submitted to; that they would not be satisfied with a mere repeal, but that it should be an unconditional repeal, without any substitution of a house tax. He (Mr. Stanford) thought the Committee had not taken a proper view of the proposition made by the right hon. Gentleman the Chancellor of the Exchequer that night, for there was scarcely any difference between it and the former statement, only in the present one there was a little more common sense in the mode of levying the house tax. He (Mr. Stanford) asked if the country would consent to the income tax—a tax which, he maintained, was infinitely more unjust than the window tax? He had lived in several of the capitals of Europe, where no window tax existed; he had compared these with this metropolis, and he had found that there were, comparatively speaking, twice as many windows in the houses of this metropolis as there were in any capital in Europe. He thought the country was better satisfied with the window tax than it would be with the proposed renewal of the income tax; as it had been levied, it was a tax which fell on the middle classes, and not on the poor. Where was there a poor man who paid window duty? Seven windows would give a poor man a very comfortable house, and seven windows were exempt. The great error of the right hon. Gentleman the Chancellor of the Exchequer was that he should have been led astray by the cry of the metropolitan agitators. Hon. Gentlemen had met together and said that if the window tax were not taken off, they would stop the supplies; and they had terrified and completely paralysed the right hon. Gentleman by their unconstitutional conduct. The right hon. Gentleman had been frightened into concession by the gentlemen who left their shops to their boys on the Saturdays, and repaired to the Marylebone vestry for the purpose of regulating the affairs of the nation. The right hon. Gentleman had not had the courage to resist these parochial agitators. Why, he (Mr. Stanford) asked, should they sacrifice such a large portion of revenue, and thus be obliged to resist any appeal for the modification of the income tax? He did not wish to give to the Government a factious opposition. He did not wish to see them put out of office unless there was the prospect of a strong Administration succeeding. He had always given an honest and conscientious vote, and would not vote against the Ministry to forward any mere party purpose. He thought, however, that the income tax was the monster grievance of this country, and any surplus revenue would have been better applied to its modification. It was very unfair that the income from professions and trades should pay at the same rate as realised income, and that tenant farmers should be made to pay a tax when they had made no profits. This was now the second Budget they had had this year; and God knew if they would not have a third.

Mr. WAKLEY said, that with regard to the shopkeepers of Marylebone, he (Mr. Wakley) was very much dissatisfied with them already, and, therefore, did not require the aid of the hon. Member (Mr. Stanford) to make him more so. But if the hon. Gentleman was dissatisfied with the metropolitan shopkeepers, he (Mr. Wakley) could assure the hon. Member that he (Mr. Wakley) was very much dissatisfied with the shopkeepers of Reading. He begged, however, to ask if the hon.

Gentleman thought it wrong for people to agitate for relief from their grievances?

Mr. STANFORD: No, and I did not say so.

Mr. WAKLEY, then, had misunderstood the hon. Gentleman.

Mr. STANFORD: You certainly have.

Mr. WAKLEY thought it was quite clear that the Committee had before it an improved Budget, and the improvement was not owing to any agitation in the Marylebone vestry, but was to be attributed to the opposition which the right hon. Gentleman the Chancellor of the Exchequer had received from his own friends and his ordinary supporters. He (Mr. Wakley) therefore approved of agitation, and he considered that in this, as in many other instances, it had been highly conducive to the interests of the community. During the reverie in which he (Mr. Wakley) had been indulging, he had been doubtful as to whether the proposal of the right hon. Gentleman the Chancellor of the Exchequer were really a good one; for it appeared there was something which had given mortal offence to Gentlemen on the opposite side of the House. What was this? Was it the Budget? No, it was not the Budget; but it was the speech of the right hon. Gentleman. It was the speech which he had delivered that night which had called forth so much anger and bitterness on the opposite side. In the Budget there was but little that was new, but that which was new was very good. The improvement which the right hon. Gentleman had made on his first proposition for a house tax was most decided. It was a highly beneficial alteration, and he (Mr. Wakley had been delighted to hear of it. He knew not how it would be received out of doors, but he would state his views and opinions honestly to his constituents; and if they were satisfied, he hoped that hon. Gentlemen opposite would not feel called on to complain. He had wondered, when the Chancellor of the Exchequer had been making his speech, what it was that was coming which was so new, for it had been intimated that something very new had been introduced. As the right hon. Gentleman had advanced, it had been evident that his six weeks' incubation was to be productive of something good. The right hon. Gentleman had that night delivered a speech which he could assure the Government and the right hon. Gentleman would give very great satisfaction in the country. The sentiments which the right hon. Gentleman had spoken were precisely those which ought to be uttered—and much more frequently uttered—by the Members of a Government devoted to the principles of reform; and, instead of being alarmed at that speech, as the hon. Member for Oxfordshire (Mr. Henley) had been, he felt highly pleased that such a speech should come from a Member of Her Majesty's Government. The hon. Member (Mr. Henley) had thought that such a speech was one which should not have been addressed to the people. Who were the people? Was the hon. Member himself not one of the people? He certainly was not an ourang-outang, or a baboon, or any animal not human. The hon. Gentleman was assuredly one of the people, and he was entirely mistaken if he believed the speech would create an alarm, and operate in any way prejudicial to the public credit of the country. The true way to sustain the public credit was to satisfy the mass of the people, and the sentiment of the Chancellor of the Exchequer to this effect would be received in the country with respect. The right hon. Gentleman had shown the Committee that in his late researches he had become fully convinced that the true policy of a Government was to legislate for the many, and not for the few—that the great interests of the millions must not be sacrificed, but that the units must make way for the progress of the masses. What was it the right hon. Gentleman had said that should create such alarm? The only parties who would be alarmed would be those who had to pay this house tax. He was most certain that all parties would be dissatisfied with the renewal of the income tax if it were imposed again without any change being made in the principle of levying it. The people, however, were devoted to the principle of direct taxation. They demanded a tax on property, and held that property ought to be taxed—and taxed severely—before the necessaries of life were taxed in the slightest degree. He thought he could gather, from the speech of the right hon. Gentleman the Chancellor of the Exchequer, that he was in favour of direct taxation, and in favour of the tax on property being heavy before industry was taxed at all. Under these circumstances, he (Mr. Wakley) must say that he was delighted to hear such sentiments from the present Government; and whoever might be in office, whether Gentlemen on that or on the opposition side sf the House, it was such sentiments that must prevail. He did not consider that hon. Gentlemen opposite would be liable to any reproach, even if they should adopt them. It was unwise to express opposition to such opinions, for they might rest assured that out of doors they had taken such deep root that they could not be removed, nor was it in their power by any process of legislation, or any species of trickery, humbug, or deceit, to get rid of them. Hon. Gentlemen knew not how soon it would be necessary for them to adopt the same sentiments. Probably they might find it very convenient at a very early period to commit themselves in opposition to these their present opinions. He hoped that the right hon. Gentleman the Chancellor of the Exchequer would reconsider the subject of the property and income tax, for it was monstrous that the man with a vast amount of realised property should be charged at no higher rate than the man with the small and precarious income. He had often heard it said in that House that they could not have a graduated property tax; but had they not graduated scales of taxation on property? Let them look to the window tax, which it was proposed to repeal. Had they not various scales connected with it? Did it not rise until it got to the extent of the middle classes, and was it not lessened as applied to the large number of windows of the aristocracy? Then they had the stamp duties and the probate and legacy duties levied on a similar principle. With these examples before them, could they say that a graduated property tax could not be imposed? It could be done without difficulty. The will only was requisite, and the means were readily at hand. He gave the right hon. Gentleman the Chancellor of the Exchequer notice, that on the income tax being brought forward without modification, he would support the proposition that it should only be voted for one year.

Mr. STANFORD said, that the hon. Gentleman (Mr. Wakley) had represented him as stating that the agitation of any subject was unconstitutional. He had not said this, but he had said that the course taken by the hon. Gentleman and other metropolitan Members, threatening to stop the supplies if the Ministry did not repeal a particular tax—that he had said was unconstitutional.

Mr. T. BARING had not intended to address the House, but after the speech of the hon. Member for Finsbury he could not congratulate the Government on having such a supporter. The hon. Member said he saw in the speech of the right hon. Gentleman the Chancellor of the Exchequer this principle laid down as the basis of our financial policy, that the credit of the country was to be maintained by "satisfying the masses," and by relieving them from taxation. If that were so, however, what was the meaning of those grandiloquent phrases of the right hon. Gentleman as to the support of the national credit, and the necessity of a great surplus to support it? The right hon. Gentleman said he could not rest satisfied simply with equalising revenue and expenditure, but must have a considerable surplus to maintain the public credit. Yet the hon. Member for Finsbury saw in the right hon. Gentleman's speech a disposition to conciliate popular feeling; and in fact it was plain the real object of the right hon. Gentleman had been to make a great speech for public credit, and to do nothing for it. He had heard with great satisfaction that part of the right hon. Gentleman's speech in which he stated that it was necessary to have a surplus to support public credit; and he confessed his belief, that the honest, politic, and straightforward course for the Government to pursue would have been to have maintained the surplus they possessed, and not to have frittered it away in useless remissions of taxation. He should have been happy to support the Government in such a course as he had indicated; but when the right hon. Gentleman began his speech by saying that the real question before the House had become, whether Lord Stanley's plan, to relieve all classes from taxation by doing away with the income tax, or his (the Chancellor of the Exchequer's) system should be adopted to relieve the masses from taxation which pressed upon articles of consumption and necessaries—and when the right hon. Gentleman said the tax he proposed to repeal was the tax upon windows, he (Mr. Baring) could not understand the right hon. Gentleman's meaning. The right hon. Gentleman's policy was (he professed) to relieve the country from taxation on the consumption of articles of general use, and in pursuance of this policy he proposed to take off the tax upon windows, and putting it upon houses. Yet the right hon. Gentleman admitted that this was a tax which pressed only on a small proportion of the houses throughout the country; some 400,000 of them. And this was the "relief" he gave to the "masses" of the people! Why, it was the "relief" he conceded to the "pressure from without" of the metropolitan Members. It was too plain that the House was being led into class legislation; and that it was to the towns—those very towns which the right hon. Gentleman declared were most prosperous—it was to these towns relief was to be granted; while no relief was given to the only class allowed to be in a state of depression and distress. The right hon. Gentleman had in his first budget proposed to repeal the duty on cloverseed, and to relieve the counties from the support of pauper lunatics. But after the process of incubation in which the right hon. Gentleman had been recently engaged, the result was, that no relief was to be given to the owners or occupiers of land at all. The hon. Gentleman the Member for Finsbury said the country must rely on direct taxation. Now, he (Mr. Baring) was not one of those who had fears for the public credit, but he should very much fear if the fundholder and national creditor were to rely solely upon direct taxation. Both direct and indirect taxation might be continued, and so as not press on any great interest in the country; but if the principle were adopted of making everything dependent upon direct taxation, in any time of great distress and discontent the people would probably throw off the direct taxation, and leave the debt to the care of itself. He had heard with great pain that portion of the speech of the right hon. Gentleman which referred to his prospects and plans as to the surplus. The right hon. Gentleman had (a very extraordinary thing for a Chancellor of the Exchequer) to make excuses for having a surplus. He believed that, apart from the maintenance of the public credit, it was the right hon. Gentleman's duty to maintain a large surplus, to meet unforeseen circumstances. He could not imagine any Chancellor of the Exchequer meeting the new year without having in his grasp the means of meeting any great unforeseen event calling for a temporary expenditure. It should always be recollected that it was not merely the national credit which had to be looked to; but that if the revenue were reduced so as merely to meet the expenditure, then, on the occurrence of hard times, the Government would be placed in this difficulty—either to allow a deficiency, or to borrow money or to impose taxation to make it up, although the country would be already in a state of distress. Let the surplus, then, be kept until a time of adversity, and then, although there might be no surplus, there need be no addition to the taxation of the country. The Chancellor of the Exchequer, however, felt that it was necessary, while speaking his real and sincere opinions as to the support of the national credit, also to conciliate hon. Members opposite, by making every sacrifice of public revenue. Unfortunately it was only a strong Government which could afford to be honest; and the right hon. Gentlemen opposite, weak from their very position, formed so weak a Government that they were obliged to yield what otherwise they would never concede. This was their misfortune; and thus it was that they sacrificed the interests of the country to the "pressure from without." They placed the country in this position, that if there were any unexpected misfortune, any check to the national prosperity, or war, or any bill of the East India Company's (and Heaven only knew how many unpaid bills might yet be discovered), then the Government would only have this alternative—to borrow money, or to tax a distressed people.

LORD JOHN RUSSELL: Sir, the hon. Member for Huntingdon, who has just resumed his seat, has expressed a great deal of indignation at the course pursued by my right hon. Friend the Chancellor of the Exchequer. Sir, that course was this. My right hon. Friend stated that he wished to maintain public credit, and that it was desirable not only to have that revenue which was required for the expenditure of the year, but also to have sufficient in case of any contingency or demand that did not belong to the year, and could not be foreseen—sufficient to meet these contingencies without incurring fresh debts or imposing new taxation. So far the principles stated by my right hon. Friend entirely agree with those of the hon. Member. But then what did my right hon. Friend propose? In the present year there will be sufficient to meet these demands; for he is expected to have a surplus of 900,000*l.* to answer them; and what he calculates will remain till next year, supposing no alteration to take place in the revenue or expenditure, would be a surplus of 350,000*l.* Now let it be recollected that in making alterations in reduction of taxation in such duties as the timber duties and the coffee duties, we have found by experience which cannot be controverted, that, although you may lose in the first year with respect to the revenue, you will not lose longer, and that in subsequent years you may expect a large increase of revenue. Besides, you have the prospect of further reductions in expenditure; so that, with a certainty of 350,000*l*. next year, the Chancellor of the Exchequer may expect a very much larger surplus than he has cautiously and carefully estimated. And this has excited the indignation of the hon. Gentleman the Member for Huntingdon. The hon. Member said that only a weak Government, which feels reverses from without, would be satisfied with a surplus of 900,000*l*. the first year, and 350,000*l*. for the next. Yet the hon. Gentleman once followed a wise Minister, well acquainted with matters of finance, who, in proposing to renew the income tax in 1845, laid down as his surplus, if I recollect rightly, only 90,000*l*. That right hon. Gentleman then stated the reasons why he expected a sufficient revenue; he was justified in those expectations, and yet the sum he expected was no more than 90,000*l*. We did not then hear from the hon. Member for Huntingdon this virtuous indignation. There was not then this bitter anger; but he still continued to support the Government which considered 90,000*l*. a sufficient surplus. And now, when the surplus is to be no less than 900,000*l*., the hon. Member says this is an insufficient surplus, and that nothing but the weakness of the Government could have induced it to be contented with it. Really, Sir, on this as on some other occasions, I think I may say the hon. Member has forgotten the place in which he spoke, and instead of being aware that he was speaking in this House on matters of figures, with which he is well able to deal, he has entirely forgotten what took place in 1845, and has made this the occasion of mere "after-dinner eloquence." And when he might have aided us by his great practical knowledge and experience on these subjects, he has contented himself with a mere invective against the Government. Instead of going into these matters as financial matters, on which the Debate might well have turned, he took the opportunity of making against a Whig Government a speech, which nothing but party feelings would have led him to indulge in.

Mr. DISRAELI: All the best speeches, Sir, in the House of Commons, are generally speaking, after-dinner speeches—and I have never found the noble Lord more happy than in an after-dinner speech. Certainly, to-night, the hon. Gentleman the Member for Finsbury (Mr. Wakley) has told us that the new Budget is not a whit better than the Budget which he condemned a short time ago; but that it is made up for by the right hon. Gentleman's speech. ["No, no!"] Why the hon. Gentleman told the House that the new Budget very nearly resembled the old one, and was very nearly as bad. But, said the hon. Gentleman, "What does it signify what the measures of the Government are, when they give us such good speeches?" And this reminds me of a celebrated speech of the noble Lord's—the speech in which he introduced his measure with respect to Papal aggression. That was also a most admirable speech; but, unfortunately, the measure was not equal to the speech. It is a remarkable circumstance that at the present time we should be governed by a Ministry who depend upon their speeches, and not upon their measures. I thought the speech of my hon. Friend the Member for Huntingdon, to-night, a very good speech indeed; and I do not agree with the noble Lord, in the analogy he attempted to draw between the present state of affairs with that in which so small a surplus was left by Sir R. Peel. There is this great distinction, the Government of Sir R. Peel was a strong Government. It was a very different Government from that which the noble Lord has come before this table several times, under such humiliating circumstances, to announce to the country was in a state of prostration; it was the Government of a Minister who had a system in which he had confidence, who had confidence in himself and in his own resources; who, being supported by a great party, might venture to make arrangements while he had but a small surplus. But the noble Lord is not in the position which Sir R. Peel then occupied; for the noble Lord, with a small surplus, has not a large party. But there is another difference also, of which I must remind the noble Lord and his right hon. Colleagues. The speech of Sir R. Peel, which terminated with the announcement of only a surplus of 90,000*l*., was not a speech stuffed full of boastful exclamations. Why, anybody who was a stranger to this House, and had entered it whilst the right hon. Gentleman was making his financial statement, would have supposed that he was going to pay off the national debt. That was the tone he took. The basis of his statement was, that he would maintain public credit by maintaining a great surplus. And what is the surplus? A false surplus. The surplus stated by the noble Lord the First Lord of the Treasury, within these five minutes, and the manner in which he mentioned it, conveyed a false impression to the country. The surplus was stated by the noble Lord to be 900,000*l.*, and for the next year it is to be 350,000*l.* I deny the correctness of the statement. A surplus of 900,000*l.*! Why what is the meaning of the 400,000*l.* which we are to pay for these mysterious demands—this claim of the East India Company, which ought to attract the attention of Parliament? Have the Government only just heard of this demand? I want to know when that claim was made. Was it made yesterday?

The CHANCELLOR OF THE EXCHEQUER: The day before.

MR. DISRAELI: Then I say that is a most fortunate circumstance that the present Administration has returned to power to secure the payment of a claim which they might otherwise have left to their successors. But with this claim of 400,000*l.* was the noble Lord justified in announcing to the country that he has a surplus of nearly 1,000,000*l.*? Sir, as I am on my legs, I must, however unintentionally, myself make a few observations upon the Budget. When the right hon. Gentleman introduces Budgets, he takes great credit to himself for the sympathy which he feels for the sufferings of the owners and occupiers of land. The measures that he brought forward for their relief, according to his own admission, were not considerable; but then they evinced at least the sympathy of the Government. There was a proposal for the reduction of the duty upon seeds, which excited the risibility of some Members on this side of the House, but not mine. There was a proposition for defraying a portion of the expenses of pauper lunatics, which I considered a very considerable proposition of relief. It appeared to me that in making such a proposition, the Government made a most important admission in regard to the principle of local taxation. Now, for the life of me, I cannot understand on what principle we can draw any difference between the maintenance of a pauper that is a lunatic, and any other pauper. If the Consolidated Fund is to support pauper lunatics, on the very same principle the Consolidated Fund ought to support every other pauper; and, therefore, when the Government came forward and made that proposition, not utterly inconsiderable in itself, I accepted it as an admission of a most important principle with reference to a most important subject, namely, our local taxation. The right hon. Gentleman tells us to-night, when he withdraws both of those propositions for the relief of the suffering agricultural interest, that he withdraws them because his nervous susceptibilities were offended by the manner in which they were received on this side of the House. I cannot myself at this moment recall a single speech that was made against these propositions. This I know, that in consequence of circumstances to which I need not refer, no discussion took place on the Budget. But, suppose some Gentlemen on this side of the House did express disappointment at the amount of relief—suppose that some Gentlemen on this side of the House, by a sneer or by a smile, may have conveyed to the Ministers that they did not think this was a relief commensurate with the expectations of the country, when the Government, by the Speech from the Throne, had announced that the owners and occupiers of land were the only suffering interest in the country—is that a reason for Ministers withdrawing the matured propositions of the Cabinet on the subject? Why, if it be a ground for your withdrawing these propositions, that they were not received with enthusiasm by the county Members, I want to know with what consistency you can vindicate the course which you are now taking with reference to the window duties, when your scheme for that remission of taxation was not only not received with cordial approbation, but meetings were called to denounce the Government, to vituperate them, to hold them up to public execration, and to declare that twenty-four hours ought not to be allowed to pass without terminating their official existence? Yet the gratitude of the Government to their indignant supporters is to increase the scheme for relief from the taxation which they thus ungratefully welcomed; while, on this side of the House, where scarcely a word of any moment had been urged against the proposition of the Government, the proposed relief to the owners and occupiers of land is, in the most cursory and off-hand manner, withdrawn from public notice; and the Government at this moment stands in this position, that having commenced the Session by solemnly assuring Parliament, from the lips of the

Sovereign, that there was only one important class in the country suffering, they have now brought forward a financial scheme, in which not the slightest relief is offered to this suffering class, not the least sympathy expressed for the owners and occupiers of land. Sir, I do not know what feelings the House may entertain upon this subject, but I know what my own are, and the course which I shall take will be this. My right hon. Friend the Member for Stamford (Mr. Herries) has an important proposition to make with respect to the financial scheme of the Government on Monday. I hope that a proposition so temperate, so wise, and so salutary, will be carried; but it is impossible to foresee what will occur. It was impossible to foresee a week ago that the hon. Members sitting below that gangway, should be now the enthusiastic supporters of the Government. But this I know, that if my right hon. Friend does not succeed in that proposition, I will myself put fairly, and without delay, before the House and the country the question of the suffering owners and occupiers of land. I will direct the attention of the House to this surplus, which the right hon. Gentleman seems to deal with in so capricious a manner, and of which he has yielded so great a portion to clamour; and I will ask the House and the country to come to a decision upon this point, whether, with a surplus, and with avowed suffering amongst one class of the community, that surplus ought not to be dedicated to the mitigation of those sufferings? I will put that question fairly before the House. I will intimate the means by which I think that mitigation can be effected consistently with the welfare of all classes of the community, because I will not have the course of justice disputed by insinuations that we have no thought except the one that is expressed in giving relief to that suffering class. I will ask the decision of the House of Commons on that question, and after all these financial manœuvres, and all these fiscal experiments, after all this series of attempts to revive exploded schemes of finance, we will at least attempt to make one direct, honest, and straightforward effort to relieve, with the surplus revenue of the country, the only class that is acknowledged to be suffering.

VISCOUNT EBRINGTON felt painfully the great disadvantage which he, unaccustomed as he was to speak in that House, experienced in following such eloquent speakers as had immediately preceded him; nevertheless, he would venture to make some remarks on the speech of the hon. Member for Buckinghamshire. That hon. Gentleman had stated that it was not to the credit of the country to have a Government that could only make good speeches and bring forward bad measures. To that remark he (Viscount Ebrington) begged to add this, that nothing could be more humiliating than to belong to a party that made good speeches, but was considered by its own chief incompetent and incapable to propose any measures at all, good or bad —a party admitted to be utterly incapable of forming an Administration. The hon. Member for Oxfordshire (Mr. Henley) had stated that the Chancellor of the Exchequer proposed to keep no surplus whatever. Now he (Viscount Ebrington) thought that the right hon. Gentleman the Chancellor of the Exchequer had stated, with sufficient distinctness, that upwards of 900,000*l.* would probably be the surplus of this year. The right hon. Gentleman had also stated that, since 1842-3, about 7,000,000*l.* of taxation had been taken off, and yet the ordinary revenue of the year would be equal to that of 1842-3. That was to say, that on the average, the revenue of the country had increased at the rate of 1,000,000*l.* per annum from the same taxes. Calculating on that basis, it was probable that next year we should have a surplus with the existing taxation of upwards of 1,000,000*l.* He was exceedingly gratified by the courageous statement which the right hon. Chancellor of the Exchequer had made to the Committee, that notwithstanding the unfavourable contrasts constantly drawn by hon. Members on both sides of the House, this country was more lightly taxed than most of those on the Continent. He was delighted to find that statement of the Chancellor of the Exchequer borne out by the hon. Member for South Lancashire (Mr. Brown), whose dealings, as a merchant, with every country in the world, were too well known to that House to require any comment upon them. With regard to the proposition of the right hon. Chancellor of the Exchequer as to the reduction of the duty upon coffee, that seemed to be imperatively called for by the regular and steady decrease of income arising from that source, owing to the impossibility of competing with an article that came from abroad, against an untaxed article which, to a great extent, was produced at home. He was much pleased to find that the right hon. Gentleman proposed to ameliorate the position of the labouring classes of this country, by reducing the duty on timber, which must lead to a great improvement in their dwellings; and he thought that proposition superior to that of Sir Robert Peel, which, while it injured the revenue, conferred little benefit either on the home consumer or the colonial grower. But he was more especially rejoiced that the Chancellor of the Exchequer had proposed to substitute a moderate house tax for the objectionable window tax. That tax he had found, in his sanatory inquiries, interfered most prejudicially with the industry and health of the labouring classes, many of whom occupied dwellings once tenanted by the rich, but of which dwellings several windows were now closed, with the view of evading the payment of the window tax; and notwithstanding what had been said to the contrary, he believed its repeal would be regarded as a boon by the agricultural as well as by the other classes of the country.

Mr. FREWEN said, the right hon. Gentleman the Chancellor of the Exchequer, in the early part of his speech, had expressed the strong objections which he entertained to sending a regiment of excise officers throughout the country to collect taxes; but the Chancellor of the Exchequer did that very thing during last winter, In the county which he (Mr. Frewen) had the honour to represent, there was an agricultural parish, in which a great number of the farmers had been served with writs because they were unable to pay the hop duty. It was quite impossible for him to give a true description of the distress and ruin which had been caused in that county by the present system of administering the affairs of the country. During the last three days he had received no less than 60 letters, complaining of the distress which existed in that part of the country to which he had referred; and the right hon. the Chancellor of the Exchequer was welcome to read the whole of them. Many of the farms were unoccupied. One landowner had received only a fourth of his rent, and a great many had received nothing at all. Several of the farmers had been reduced to a state of ruin; 100,000*l.* (being at the rate of 30*l.* per acre) in the shape of direct taxes, had been paid by the district which he represented. It was impossible that this state of things could continue. The county which he represented was being reduced to such a deplorable state of poverty, by the system of legislation which had been carried on for the last few years, that, if it continued much longer, it would soon be as bad as the worst part of Ireland. He wished to urge this question on the Committee, and he would bring it again and again before them, until he had obtained some redress for his constituents.

Viscount Ebrington

Mr. WAWN said, that the Budget was certainly not based upon the policy of Sir Robert Peel; for that eminent statesman's principle was, that whereas he imposed duties upon manufactured articles, he admitted the raw material duty free. Two years ago they repealed the navigation laws, and ships might now be built in any quarter of the world, might be purchased by English shipowners, and might have all the rights of British vessels, without having paid a farthing duty. Whilst, however, the right hon. Gentleman the Chancellor of the Exchequer proposed thus to admit the manufactured article free, he had only expressed an intention to remit one-half of the impost on the raw material, timber. He thought the least the right hon. Gentleman could do would be, to allow a drawback on the timber used in shipbuilding. In other respects he approved of the Budget, which, in spite of the observations of the hon. Member for Buckinghamshire (Mr. Disraeli), would considerably relieve the agriculturists. For instance, a house in the country of 20*l.* a year often paid as much window tax as one in the metropolis of 300*l.*; and, of course, this would be put on a more equitable footing by the proposed measure. With respect to the question of protective duties, he could not but remember that corn had been as low with a sliding scale as it was at present; and, certainly, if a fixed duty, which was now desired by the agriculturists, was the right thing, it had been rejected by the hon. Member for Buckinghamshire and his friends, and they had had only themselves to thank for free trade.

Mr. LABOUCHERE desired to say a few words with regard to the statement made by the hon. Member who had last spoken, concerning the condition of the shipping interest. He agreed with the hon. Gentleman, that it was right to give the shipping interest fair play, but he must, at the same time, repeat what he had stated when the repeal of the navigation laws was under discussion; he then expressed his complete belief that, looking at the price of iron and other materials, even before the proposition had been made to reduce the duty on foreign timber, the British shipbuilder could build cheaper than could be done in any other part of the world whatever. The best proof of the correctness of that assertion was what had actually taken place since foreign ships had been placed on the same footing as British. From returns which had been recently laid on the table of the House, it appeared that there had been only 10,000 tons of foreign shipping registered as English, since it had been in the power of our countrymen to buy and register them as British. Now, he believed that if they took only iron steamers, they would find that we had built much more than that tonnage on the foreign account. He was convinced that in steamers (particularly iron ones—a class which was becoming more and more in use) we constructed as many as would supply not only our own merchants, but foreigners, to a very considerable extent. It would not be right at that time to enter into a discussion as to whether or not the trade of shipbuilding was or was not suffering in consequence of this alteration in our legislation; but whenever that question came regularly before them, he should be prepared to prove satisfactorily that our shipbuilding trade had never been in a sounder or more prosperous condition than since it had been exposed to competition with other nations.

MR. WAWN explained that he had not said a word about the prosperity of the shipping interest, or about iron steamers; but he must protest against his right hon. Friend stating that the British shipowner was now in a prosperous condition. He had means of proving that, for the last hundred years, the British shipowner had never been in such a distressed condition.

COLONEL SIBTHORP said, he was not surprised at this second edition of the Budget of his right hon. Relative. The Chancellor of the Exchequer had said the present Budget would confer a boon on the agricultural interest by the repeal of the duty on seed. However such a boon might be pretended, he could not believe that any was intended, and the proposition, such as it was, had been withdrawn. What was the reason of this? It was party. The Government could not do without party; and, in his opinion, if the Government and its party were put into a sack together, shaken up, and thrown out heads and tails, it would be very difficult to tell which was which; but he thought there would be a great deal more of tail than of head. And they might depend upon it, there would be plenty of counterfeits amongst both. He would take this opportunity of giving notice of his intention to take the sense of the House on a Motion relative to a remission of the income tax now levied on the tenant farmers; and also a Motion relative to the relief of the Army and Navy from the income tax. The Chancellor of the Exchequer might say that it was nothing for the officers of the Army and Navy to pay the income tax; but they did not live on the fat of the land. There never was such a miserable exhibition as that made by the Chancellor of the Exchequer that evening. What he now said he might have said six weeks ago. But the reason he did not say so was this—he wanted to smuggle in a few of the Army and Navy estimates, and other measures necessary to carry on the credit of the country, of which he so much boasted. The right hon. Member for Stamford (Mr. Herries) had justly said that the income tax was intended to be permanent; but the Chancellor of the Exchequer had not the courage and manliness to own it. He hoped that hon. Members on that side of the House would persevere and show the country what trickery had been practised by the Chancellor of the Exchequer and the noble Lord at the head of the Government.

COLONEL THOMPSON did not know whether the noble Lord had a large party or not; but this he knew, that he had one which kept a large party at bay, and he trusted would long continue to do so. And he foresaw one consequence from the speech of the Chancellor, namely, a large accession to that party; and he trusted that there were no Members of that House who professed themselves supporters of the manufacturing and commercial interest, who would fail to evince their support of the right hon. Gentleman; for if they did, they would display a degree of mental obliquity almost amounting to evidence of a providential dispensation. For three Sessions of Parliament he had witnessed with bitterness of heart the miserable feebleness of the defence made on the great question of commercial freedom, while he had, on the contrary, to admire the zeal, the talent, the combined action and energy displayed by Gentlemen on the opposite side who attacked it. If the free-traders were finally beaten, they would have themselves to thank for it, and he was ready to give his evidence that no men ever more deserved it. Gentlemen opposite, on the contrary, had carried on, and did carry on, the war ably and gallantly; their movements were connected; what they did in the House was in unison with what they did outside. They knew full well, though it was not their business to tell of it, that the real question at this moment before the House, was whether a large portion of the taxation of this country was to be paid by the rich, or whether it was to be paid out of the bread of the poor, and at the expense of the commercial interest. This was the present question, and if the working classes, who were rapidly rising in influence and power, did not prove that they knew the men that helped them, they would forfeit their claim to sympathy and success. He did not know that he should have risen on the present occasion, if it had not been to resist an argument thrown before those working classes, he was sure in perfect sincerity. The hon. Member for Tavistock, in the present debate, had told the working classes, that it would be of no use to them that the taxes should be paid by the wealthier classes instead of by themselves; because the means of the wealthier classes would be diminished, and they be thereby prevented from giving employment to the same amount. He wholly dissented from that doctrine. What became of the money? If 100,000*l.* taken from the pockets of the wealthier classes was laid out in the purchase of soldiers' clothing, it would just as much be laid out on working men at Leeds or Halifax, as it would have been laid out on working men somewhere else if it had been left with the taxpayers. He therefore hoped the working classes would not be induced on this account to beg to pay all the taxes themselves; and he did trust they would take this opportunity of showing they could stand by their friends.

Mr. ALCOCK did not rise to express gratitude to the right hon. Baronet the Chancellor of the Exchequer for any boon which he had granted to the agricultural interest; but he could not avoid saying that he thought the Budget in its amended form would give greater satisfaction to the people at large than as it originally appeared. The income tax as it at present affected the tenant farmer was most unjust and unfair, but he could not join in asking for its total abandonment. On the contrary, he hoped that the country would step forward to prevent such a proposal from being carried into effect; because it would perpetuate the malt tax. The income tax, if remitted, would cause the loss of 5,500,000*l.* of revenue, and while it would liberate 180,000,000*l.* of property, it would bind for ever a most injurious impost upon one class of the community, the landed interest. Nay, it would not affect even the whole of that interest, for out of the 77,000,000 acres in this kingdom there were only 1,000,000 that were cultivated with barley. He felt satisfied that when the matter was properly understood, the hon. Member for Buckinghamshire could not be brought to do a thing so detrimental to the landed interest. It was a mere truism to say that this tax was paid by the consumer. This was the case with every tax; but it was a fallacy to say it was not detrimental to the producer. Suppose a duty were levied on coals—a duty of 3*s.* or 4*s.* a ton—did any man in his senses suppose such a thing could possibly be carried out? It might be said that tax was paid by the consumers, but at the same time their number would be diminished. He did not believe the removal of the malt duty would increase intemperance. As it was, the people were driven to drink spirits. The people did not object so much to the income tax as to the exemptions from it. Let it be fairly levied, and they would be ready to pay their quota. Mr. Smee, of the Bank of England, had shown that the rate of income tax now levied, if imposed on property generally at 3 per cent, would produce a revenue of 14,000,000*l.* This would allow for the repeal of the taxes on malt, sugar, tea, and soap, which at present cost the working man 20*s.* a year, while the income tax, as proposed, would not be more than 13*s.* The exemption of Ireland was monstrous. Its railways were also exempt from the tax, though many of them were paying lines. He would also place Scotland on the same level. He hoped the farmers of England would soon give up the absurd hope of regaining protection, and see that they were more likely to get support in that House by demanding a repeal of the malt tax.

Mr. HUDSON said, that the arguments of the hon. Gentleman who had last spoken were equally strong against the repeal of any tax which would jeopardise the repeal of the malt tax. He (Mr. Hudson) had presented a petition, signed by every shipbuilder in Sunderland, stating that they suffered great distress, and praying for the entire repeal of the timber duty, which was, in fact, a bonus to the foreign shipbuilder of 30 per cent. It was said a larger number of ships for foreign service were now building in London than at any former period; but the fact was that many of them were iron steamers, and iron could be obtained cheaper here than anywhere else. The right hon. Gentleman the Chancellor of the Exchequer ought to have removed the whole of the timber duty in preference to repealing the window duty. That he had not done so was a just ground of complaint to the shipbuilding interest.

Mr. LABOUCHERE wished to state one simple fact, that during the past year more ships, and larger and better ships, had been built at Sunderland than were built in any former year.

Mr. HUDSON said, he admitted the fact although it did not follow that the shipbuilders had made a profit. He had been engaged in the trade himself, and had made no profit for two years. It was impossible for a shipbuilder, any more than a farmer, at once to retire from his business.

Mr. L. HEYWORTH objected to the reimposition of the income tax as proposed, and the mode in which the surplus was to be appropriated. The working classes paid 10 per cent in indirect taxation, while wealthy men only paid 5 per cent. If the national debt was to be repudiated, it would be by persisting in such an injustice as this. The sooner they came to direct taxation the better, for the present system made every one poorer. All increase of wealth resulted from the operations of trade and commerce. Why, then, not stimulate these interests by abolishing the import duties on coffee and other articles? So long as these duties were continued, the demand for the labour of the people was lessened, and the poor rates increased.

On Question—

"1. *Resolved*—That, towards raising the Supply granted to Her Majesty, the respective duties in Great Britain on Profits arising from Property, Professions, Trades and Offices, and the Stamp Duties in Ireland, granted by two Acts passed in the sixth year of Her present Majesty, and which have been continued and amended by several subsequent Acts, shall be further continued for a time to be limited.

"2. *Resolved*—That, towards making good the Supply granted to Her Majesty, the sum of 17,756,600*l.*, be raised by Exchequer Bills, for the service of the year 1851."

Resolutions to be reported on Monday next; Committee to sit again on Monday next.

The House resumed.

ORDNANCE SURVEY OF SCOTLAND.

Mr. CHARTERIS moved for the appointment of a Select Committee to inquire into the present state of the Ordnance Survey of Scotland. The Ordnance Survey of England had been completed and published, with the exception of the four northern counties; and the survey of the whole of the counties of Ireland had been finished within the specified period of twenty years; while in Scotland, although the survey was commenced in 1809, only a fourth part had been as yet completed, and during a period of fifteen years nothing whatever had been done. It was calculated that the survey would require fifty years before it could be finished, if it were carried on in the same dilatory manner as heretofore. When he referred to the sums which had been laid out in conducting the survey, he found that in England 702,000*l.* had been expended, and in Ireland 820,000*l.*; whereas in the whole of Scotland there had been expended not more than 66,000*l.* What he asked for was, that justice should be done to Scotland in respect to this object of national importance.

Mr. FOX MAULE said, that so far from throwing any difficulties in the way of the appointment of a Select Committee upon this question, he thought his hon. Friend deserved the thanks of all the Members connected with Scotland, for drawing attention to the grievance he so justly complained of. He was quite ready to admit that very little justice had been shown towards them, and he would not only support the Motion, but would be prepared to render every assistance in his power to the deliberations of the Committee.

Sir W. JOLLIFFE complained of the great inaccuracy of some of the earlier surveys of the southern counties of England. In his own county a turnpike road was laid down on the Ordnance map at the distance of a quarter of a mile from its true position. He would suggest that the early surveys made in the southern counties and the neighbourhood of the metropolis should be recommenced.

Select Committee appointed to inquire into and report on the present state of the Ordnance Survey of Scotland, and on the works which will be required for its completion.

The House adjourned at a quarter after Twelve o'clock, till Monday next.

HOUSE OF LORDS,

Monday, April 7, 1851.

Minutes.] Public Bills.—1ª Church Building Acts Amendment.
2ª Apprentices and Servants; Mutiny; Marine Mutiny

THE APPRENTICES AND SERVANTS BILL.

The Earl of CARLISLE, in moving the Second Reading of this Bill, said, he would simply remind their Lordships of recent cases in our criminal courts of justice which suggested and enforced the necessity of adopting some such measure as the present. He would only mention the cases of the Sloanes and the Birds. The inhuman severity which they had exercised towards those who were under their care had been the subject of solemn trial and judicial sentence, and therefore it would be unbecoming in him to comment further upon it. The result of those proceedings had been to establish certain points, which showed considerable defects in the present law in respect of the relation of master and servant. As it now stood, any neglect of duty on the part of the master or mistress to give the necessary amount of food to apprentices or servants, could not be made the subject of a criminal proceeding, but only of a civil action, except in the cases of infants of tender years; and even in those cases such an offence could only be punished by fine or imprisonment, there being no power to enforce hard labour. And in none of these cases was it compulsory for the guardians to prosecute. The present Bill proposed to extend protection to persons under 18 years of age; and wherever a case was made out where the necessary quantity of food was withheld, or the party had been assaulted, the master or mistress so offending would be subject to imprisonment for a period not exceeding three years, the Judge having the discretion to order hard labour and the payment of costs. It was also made compulsory on the poor-law guardians to appoint officers to visit children apprenticed out from the union four times a year until they were 18 years of age, and those officers were directed to report to the guardians any case of cruelty or neglect which might occur. In case of any vital injury being sustained by the child or young person, the committing magistrate would be empowered to certify that the guardians should undertake the public prosecution, and they would instruct their officers to do so.

Lord REDESDALE feared that the effect of the quarterly visits by the officers of the board of guardians would operate to prevent the engagement of young persons from the workhouse. Masters and mistresses would not like such an inspection, and would hire other servants in preference. He should move in Committee that the Bill do not apply to young persons above the age of 16, instead of including, as it proposed to do, servants and apprentices up to the age of 18.

The Earl of CARLISLE should be glad to attend to any suggestion which might be made for improving the Bill in Committee; but he should be unwilling to give up the right of private visitation.

Bill read 2ª.

COUNTY COURTS FURTHER EXTENSION BILL.

Lord BEAUMONT said, that seeing that this Bill stood for recommitment to-morrow, he wished to ask the noble and learned Lord on the woolsack, and those who opposed it, what course they intended to pursue? He (Lord Beaumont) would at once state, that he intended to move the omission of those clauses which were called the reconcilement clauses, and the omission of the 35th clause, which provided for the holding of special sessions in cases where the sum in dispute exceeded 20*l.*

The LORD CHANCELLOR said, he believed it was the general wish of the House that the Bill should be recommitted. He had certain amendments to propose; but he should not oppose the going into Committee. He intended to propose that the reconcilement and the arbitration clauses should be omitted. The clauses on the subject of giving to these courts an equity jurisdiction, he thought had better form the subject of a separate enactment. The tithe clause, he understood his noble and learned Friend (Lord Brougham) would reconsider. He believed that his noble and learned Friend did not intend to press the attorneys' clerks' clause, and he had already considered the clause with respect to barristers, so as to render it unobjectionable.

Lord BEAUMONT said, he drew this conclusion, that the noble and learned Lord on the woolsack intended to oppose every part of the Bill. Notice had already been given of a Bill conferring a Chancery jurisdiction on these courts, and that was what the country required, and to which he would give his hearty support.

House adjourned 'till To-morrow.

HOUSE OF COMMONS,

Monday, April 7, 1851.

Minutes,] New Writ.—For Leith, *v.* the Right Hon. Andrew Rutherfurd, Judge of the Court of Session.

Public Bills.—1ª Sale of Arsenic Regulation.
3ª Designs Act Extension.

ST. ALBANS ELECTION.

Mr. SPEAKER acquainted the House, that the Serjeant-at-Arms attending this House had a communication to make to the House.

Whereupon the Serjeant at the Bar informed the House, that on Saturday the 5th instant, he received into his custody the body of William Lines, by virtue of a Warrant from the Select Committee appointed to try and determine the merits of the Petition complaining of an undue Election and Return for the Borough of St. Alban, on a charge of prevarication and misbehaviour before the said Committee, and with directions to keep him in custody till Twelve of the clock on Tuesday the 8th instant; and that he was this day served with a Writ of Habeas Corpus, requiring him to make a Return to the said Writ at half-past Three this day, to which Order he had made no Return, deeming it his duty in the first instance to ascertain the pleasure of the House; and he delivered in the said Writ and the Notice, which were read.

Sir G. GREY moved that the warrant under which the person alluded to had been committed, be read at the table, for at present the House was not in possession of the circumstances under which the committal had taken place.

Mr. EDWARD ELLICE informed the House, That William Lines had, on Saturday last, been guilty of great prevarication in his examination before the Committee, and that he had, by direction of the Committee, by Warrant under his hand, committed the said William Lines to the custody of the Serjeant-at-Arms, to await the pleasure of the House.

Mr. EDWARD ELLICE further informed the House, that the witness, William Lines, had been brought before the Committee this day, in the custody of the Serjeant-at-Arms attending this House, and had answered, to the satisfaction of the Committee, all questions which the Committee thought he was bound to answer.

Mr. EDWARD ELLICE further informed the House, that it appears on evidence taken before the Committee, that George Sealey Waggett, who is declared by the Counsel for the Petitioners to be a most essential witness for the elucidation of their case, has evaded all attempts to secure his attendance before the Committee; that a reward has been offered for his discovery, both in the *Times* and in the *Hue-and-Cry* publications; and that one John Hayward has, in conjunction with one Henry Edwards, prevented the attendance of the said George Sealey Waggett, and that money has been given by the said John Hayward and the said Henry Edwards to the said George Sealey Waggett, to induce him to abstain from giving evidence before the Committee; the Committee have therefore instructed him to report the circumstances to the House, in order that the House may take such steps as may seem to the House to be proper and necessary.

With respect to William Lynes, who had this morning been brought up and answered the questions, although he had either prevaricated or refused to answer before, yet having now answered the questions satisfactorily, he moved that he be discharged from the custody of the Serjeant-at-Arms.

Ordered—

> "That William Lines be discharged out of the custody of the Serjeant-at-Arms attending this House, without payment of Fees."

Mr. EDWARD ELLICE then said, he had a Motion to make with respect to the other persons named—George Seeley Waggett, John Hayward, and Henry Edwards. It had been distinctly proved before the Committee that Waggett had knowingly abstained from giving evidence before the Committee, and had concealed himself for the purpose of avoiding the service of their summons. It had also been proved that Hayward and Edwards were parties to his concealment, and had conjointly given him money to induce him to absent himself. He therefore moved, in accordance with the precedent in the Shrewsbury case, that George Seeley Waggett, John Hayward, and Henry Edwards, be respectively taken into the custody of the Serjeant-at-Arms attending the House, and that Mr. Speaker do issue his warrant accordingly. Perhaps there might be some difficulty with respect to the case of the two parties who had given money to Waggett to induce him to absent himself. It might be a question whether the House should not vote them guilty of a Breach of Privilege. But with regard to Waggett there should be no doubt that he was wilfully concealing himself to avoid the service of the summons which had been issued.

Sir R. H. INGLIS said, he thought the House ought to pause for a day at least before agreeing to the Motion which had just been made by the hon. Member. He admitted in the fullest sense the accuracy of the statement which the hon. Member, on the part of the Committee, had made to the House. But still, he apprehended, it required written evidence—a Report of the Committee—to justify the House in interfering with the liberties of these parties. He did not understand that there had been a Report from the Committee.

Mr. EDWARD ELLICE said, the document he had produced was the unanimous Report of the Committee.

Sir R. H. INGLIS thought it had been simply a Motion.

Sir G. GREY said, that it was a Motion on the Report of the Committee.

Mr. EDWARD ELLICE said, he had brought up the Report of the Committee, and it was in pursuance of that Report that he had made the Motion.

Sir G. GREY said, the question was, whether any power which the House possessed would be lost by a little delay. It was quite clear that this person ought not to be allowed to get beyond the jurisdiction of the House: and if that was not likely to be the case, he thought it would be desirable to have the Report printed. He would suggest the propriety of adjourning the further consideration of the matter until to-morrow, when the Report might be in the hands of hon. Members. He did not know whether the Chairman of the Committee concurred in that suggestion.

Mr. EDWARD ELLICE said, it was not for him to dictate to the House the course which it ought to take; but the Committee, not being lawyers, were placed in a very difficult situation as regarded the course to be taken with respect to these persons: it was for the House to decide. He had merely reported on behalf of the Committee the circumstances which they had thought it right to state to the House, and on which they had founded their instructions to ask for the apprehension of these parties. He believed the Speaker's warrant would have more effect than any summons issued by the Committee.

Mr. T. GREENE said, there could be no doubt that parties giving money to keep witnesses away, and prevent them from giving evidence which they were bound to give, were guilty of a breach of the Privileges of the House, and that being the case, he could not see the necessity of abstaining from taking immediate proceedings.

Sir B. HALL said, the Committee, after due deliberation, had decided that the proper course was to make a Motion, in order that the case might be taken into full consideration by the House.

Mr. H. E. ADAIR said, the evidence brought before the Committee was such as would convince hon. Members, if it were laid before them, that the Committee had done no more than their duty.

Mr. SOTHERON said, it appeared to him they ought without delay to vote that this was a Breach of Privilege. He moved that George Sealey Waggett, Henry Edwards, and John Hayward have been guilty of a Breach of the Privileges of this House.

Sir G. CLERK said, there could be no doubt that if these parties had been instrumental in keeping another party out of the way, they were guilty of a Breach of Privilege. In the case of the Ipswich election, in 1835, a great number of persons were charged with being instrumental in keeping others out of the way, and they were declared guilty of a Breach of Privilege. The only difference between the two cases was this—that the Ipswich Committee made their Report respecting the Breach of Privilege at the time they finally reported determining the merits. The present, he believed, was the first instance in which a Committee had felt called upon to make a special report in consequence of their inability to obtain witnesses. There could be no doubt as to the propriety of the House declaring that persons instrumental in removing witnesses from the jurisdiction of the Committee were guilty of a Breach of Privilege.

Lord JOHN RUSSELL did not think there could be any doubt that parties instrumental in thus removing witnesses were guilty of a Breach of Privilege and contempt of the House.

Sir R. H. INGLIS said, that they were not only guilty of a Breach of Privilege, but of breaking the law of the land.

Mr. EDWARD ELLICE wished to remind the House that there was a difference the two cases. He thought the absent witness was in a different position from the other parties. There could be no doubt that the latter two had been guilty of a Breach of Privilege, inasmuch as they had induced the other man to disobey the orders of the Committee. With respect to the other party, he would leave it to others more experienced in the practice of the House to say whether he had been guilty of a Breach of Privilege.

Sir G. CLERK said, that, in the Ipswich case, a person who had been induced by other parties to keep out of the way, was declared guilty of a Breach of Privilege.

Resolved—

"That George Sealey Waggett, having evaded all attempts to secure his attendance before the said Committee, and John Hayward and Henry Edwards having prevented his attendance before the said Committee, have been severally guilty of a breach of the privileges of this House."

Ordered—

"That George Sealey Waggett, John Hayward, and Henry Edwards, having been guilty of a breach of the privileges of this House, be for their said offence taken into the custody of the Serjeant-at-Arms attending this House, and that Mr. Speaker do issue his Warrants accordingly."

Lord JOHN RUSSELL said, that, when the parties were taken into custody, of course they would be ordered to attend at the bar of the House.

Sir G. GREY said, the first matter to which the attention of the House had been called was now comparatively unimportant, as the House had ordered the discharge of the prisoner. But some course must be taken in consequence of the issuing of the writ of *habeas corpus.* He would, therefore, move that the Serjeant-at-Arms be directed to make a return to the said writ, stating that he held the party by virtue of the warrant of the Committee of the House of Commons, and that he should annex the warrant to the return. As the proceeding had taken place under an Act of Parliament, and it was not a case of Privilege, there could be no objection to the return being made in the usual form.

Ordered—

"That the Serjeant-at-Arms attending this House be directed to make a Return to the said Writ, that he held the body of William Lines by virtue of a Warrant under the hand of the Chairman of the Select Committee of this House, appointed to try and determine the merits of the Petition complaining of an undue Election and Return for the Borough of St. Alban, and that he do annex the said Warrant to this Return.

WAYS AND MEANS—THE BUDGET.

Resolutions [April 4] reported.

Motion made, and Question proposed, "That the first of the said Resolutions be now read a Second Time."

Mr. HERRIES: I rise, Sir, to propose an Amendment to the Resolution which has just been read. I propose, after the words which recite the duties which are to be levied, to insert the Amendment of which I have given notice. In moving this Amendment I may be permitted to say that I have seen with great satisfaction the announcement in the public prints that the revenue of the country, as exhibited in the Returns for the quarter just expired, is even in a more satisfactory condition than that which the Chancellor of the Exchequer announced when he last addressed the House on this subject. I rejoice, Sir, in that announcement, not only as an indication of the prosperity of the country, as to which I never entertained any doubt or anxiety—I rejoice in that prosperity for the sake of the country—and I also rejoice in it as a consideration that adds force and weight to the proposal which I have to make. It is precisely on account of that prosperity and of the means which that prosperous state of the revenue will afford to the Government and to the House of accomplishing an act of good faith and of justice, that I now offer the proposition which I have just laid before you. I will endeavour to confine myself, in my observations, to the subject itself. I will endeavour to repay the attention which the House may give me while I unfold the proposition, by confining myself strictly to the arguments which come within the exact scope of my Motion. I will not touch the subjects of free trade or protection—these subjects have, in fact, nothing to do with the question immediately before us. In one sense it is a purely economical question, but it is also a question which involves the good faith, the honesty of Parliament, and, as I think, the principles of sound policy. I will, in pursuance of this intention, Sir, entirely exclude, at least from my share of the discussion, all inquiry into details. I will not involve myself in a controversy of figures with the Chancellor of the Exchequer. In order more entirely to set aside any discussion upon these matters of subordinate importance on this particular occasion, I will dispute none of his statements of the actual condition of the revenue, nor of his estimates of its future probable produce. I am willing to accept them all *pro hac vice*, as the foundation upon which I make my proposition to the House; with this reservation, however, arising naturally out of the recent more favourable returns of the public income, that I must venture to assume the surplus of future years somewhat higher than the estimate of the right hon. Gentleman. Instead of 1,890,000*l*., I shall expect it to be 2,200,000*l*., or perhaps 2,300,000*l*. In the outset I think I have a right to assume that the property and income tax which we are now invited to continue—I presume for another three years—is the property and income tax as it has existed from 1842 to the present time. I have a right to make that assumption, because I am perfectly sure that if there had been any intention of altering or amending it, the right hon. Gentleman would have announced such alteration as a part of his financial statement to the House. In any other case, I should accuse the right hon. Gentleman of that which was very improbable from him, a want of frankness in dealing with the House. I assume, then, that the property and income tax with which we have to deal, is the property and income tax with which the House has been acquainted since 1842. [The CHANCELLOR of the EXCHEQUER: Hear, hear!] I am glad to hear that cheer from the right hon. Gentleman, that the income tax, with all that is objected to in it, is the tax with which the House has now to deal. Now, in order to make my argument as clear as possible, and to put it in the most compact possible shape, I shall endeavour briefly to state to the House the history of this income and property tax. I wish to show that, in point of fact, this is the first legitimate occasion which the House has had since the imposition of the tax, of really considering the question whether or not they will adopt it as a permanent tax, or whether they will—following out the intention expressed when it was first imposed —avail themselves of this the earliest opportunity for beginning to provide for its reduction? I must remind the House that the imposition of the income tax—the necessity for it — arose out of the maladministration of our finances during the five or six years which preceded the overthrow of the Whig Administration in 1841. It had no other origin than that. During that period we had an extraordinary picture of financial government exhibited to the country. Almost every year there was a large increase of expenditure, and a large reduction of taxes. Although at the end of that period an effort was made to repair these losses by a sweeping addition to all the existing taxes, still the amount of taxes abandoned beyond the provisions made for repairing the breaches thereby created in the revenue, could not be estimated at less than 3,000,000*l*. Along with this reduction of taxation there was, on the other hand, a large progressive augmentation of expenditure; so that at the cessation of the Whig Administration, when the finances were handed over to abler hands, the late Sir R. Peel found himself under the necessity of finding some remedy for the mischief which had thus been done. To meet the defalcation produced by a series of yearly deficiencies which had accumulated to an amount not short of 10,000,000*l*., that lamented statesman—greatly, I think, to the credit of his sagacity, and fully justified by the ruinous state in which he found the finances—proposed the adoption of the Property and Income Tax. The House had no alternative but to adopt it. The proposal was indeed combined with measures for the general improvement of the revenue, for freeing commerce from many unnecessary restrictions, and for the abolition of duties that weighed down the springs of industry. I do not dispute the wisdom of these measures. They were a continuance of the policy of previous Administrations of which both the right hon. Gentleman and myself formed a part—a policy which had for its object the removal of obstructions and prohibitions on trade and commerce, but always, in former occasions at least, with a due regard to existing interests. In proposing the Income Tax, Sir R. Peel distinctly declared that he asked for it as a temporary tax, and for a special purpose, and to meet a special emergency, and he took it on the very grounds set forth in my Amendment. He stated that a period of less than five years would not, he believed, answer the purposes he had in view, but he would take the tax for three years, in the hope that that term might perhaps prove sufficient; trusting that if at the end of that shorter period, it should prove necessary to ask for the extended term he had originally intimated, Parliament would not oppose a proposal for the limited continuance of it. In 1845, accordingly Sir R. Peel came down to the House, and, stating that the three years had not been found sufficient, applied for the extension of time which he had on the former occasion intimated as possibly to be required for the great object in view. Having satisfied the House that he was justified in this request, the House assented to the proposal, though not without considerable opposition, especially proceeding from the hon. Gentlemen who now sit on the Treasury benches. Thus far there was no breach of faith on the part of the Government either towards the House or the country, as to the duration of the tax. In 1848 there occurred another proposal for the farther continuance of this impost; but 1848 was a year of such peculiar character, that those who proposed the renewal of the tax, did not attempt to justify that prolongation, except on account of the very peculiar distress and embarrassment—to the nature and extent of which I need not now refer—which then unfortunately prevailed, and which created a financial emergency, the pressure of which was universally acknowledged to form a sufficient ground for the proposal. But I cannot refrain from remarking, as an evidence of the levity with which Gentlemen opposite are disposed to deal with this obnoxious impost, that they attempted to persuade the House not merely to continue it, but to augment it from 3 to 5 per cent. The House wisely and peremptorily refused that proposal; and the Government was compelled to discover the means of carrying on the public service without an augmentation of the tax. This brings me to the present year, the last year of the last term of renewal; but before I proceed to state my reasons for asking the House not to consent to the proposition of the right hon. Gentleman, I shall take the liberty of calling the attention of the House to the judgments of persons of great weight and authority on the nature and character of this particular tax. I wish to call the attention of the House to the opinions of those Gentlemen now in office and supporting the Income Tax as Ministers, on the proposed extension of it in 1845, when they were in Opposition; and I shall read a few extracts from the speeches of some of those right hon. Gentlemen regarding the nature and character of the tax. I do not use these extracts as *argumenta ad homines*, but as being the expressions of true and sound judgments by persons of the highest authority as to the nature of the tax—judgments to which I wish I could hope that those who uttered them will still adhere. It is not necessary for me to quote — because the hon. Members no doubt recollect —the terms in which Sir R. Peel first proposed the tax, and the renewal of it. On the second occasion, when he asked for the extension of the tax, Sir R. Peel declared that he hoped that within the term to which the tax was to be extended, provision would be made by alteration and augmentation of the revenue, to render any further renewal of the tax unnecessary. On that occasion the proposition made by Sir R. Peel did not receive the unqualified support of the House. Hon. Members opposite, who were at that time in Opposition, expressed very strong opinions, not so much with respect to the continuance of the tax, because that rested on obvious grounds, but as to the character of the tax. They assented to the renewal, but they accompanied their acquiescence with such expressions of opinion as should certainly induce them to hesitate, before, in the present circumstances of the country, they again propose the continuance of it. The persons who bore testimony to the objectionable nature of the tax were Lord J. Russell, Mr. Labouchere, Lord Howick, Sir F. Baring, and last, but not least, the Chancellor of the Exchequer, Mr. C. Wood. The words of the First Minister of the Crown, when speaking on this important question in 1842, well deserve the attention of the House. It is indeed a question of great moment, however lightly some hon. Members opposite seem to treat it. The question is whether we shall now permanently establish such a public impost as that which has been described and stigmatised by those whose judgments I am about to read to you, even when it was proposed as a temporary expedient only, as being of the most odious and objectionable character. The noble Lord now at the head of Her Majesty's Councils, has, on three several occasions, pronounced his deliberate judgment upon it. The noble Lord said, in 1842—

> "The evil of a Tax such as the Income tax was not confined to the sum drawn from the community; the great objection to it was that which was universally felt and stated, and that was a better argument against it than the most refined that could be used in that House—viz., its inquisitorial character."—[3 *Hansard*, lxi. 899.]

And the noble Lord went on to say—

> "But the strongest objection of all was, that it had always been considered everywhere as a tax to be resorted to only as a last resource."

In 1845 the noble Lord's opinion was not at all changed, except that, if anything, it was rather stronger. The noble Lord then said—

> "I have always been accustomed to consider the Income Tax as a tax necessary, indeed, in times of great emergency—necessary, for instance, in carrying on a war of an arduous and costly nature—but, at the same time, that it was a tax subject to some of the gravest objections that could be urged against any tax. I have always been of opinion that inequality, vexation, and fraud, were inherent in such a tax."—[3 *Hansard*, lxxvii. 543.]

In 1848 the noble Lord asked for the continuance of that tax on the sole ground of the great distress which had prevailed so extensively throughout the country; and such was the severity of the pressure at that time, that he suggested even an increase of it; observing, with some apparent modesty, that he did not think he was asking too much when he proposed a temporary increase and a continuance of the present direct tax, in the face of circumstances of almost unparalleled difficulty which had occurred in the previous year. [3 *Hansard*, xcvii. 222.] Such was the only ground the noble Lord then gave for the renewal of that tax—the ground of deep embarrassment and of unparaleled distress; a condition, happily, the very reverse of that which exists at present. Then the right hon. Gentleman the President of the Board of Trade (Mr. Labouchere), whose judgment in matters of this kind was naturally looked to with great respect, was one of the most strenuous opponents of this tax on account of its character. The right hon. Gentleman said—

> "God forbid that under present circumstances the financial difficulties of the country should appear such as to require that House to adopt such an extreme measure. I would resort to almost all other means before I adopted a scheme of taxation which was alien to the habits of the people of this country, which must be carried into execution in an inquisitorial manner, and therefore which must be attended with vexatious proceedings, infinitely more annoying than the amount taken from their pockets."—[3 *Hansard*, lxi. 927.]

I hope the right hon. Gentleman continues of the same mind; but present circumstances are different indeed to those under which he uttered those sentiments. We are now prosperous—we have a surplus—we are not under the pressure of such difficulties as Sir Robert Peel laboured under, and surely all those arguments will apply with tenfold force at the present time. A noble Lord, now in the other House, Earl Grey, whose opinion must have weight with a Cabinet of which he is so distinguished a member, also took an opportunity, upon two occasions, of expressing his opinion of the character of this tax. In 1842 the then Lord Howick said—

> "I think that upon every principle of justice, and of good policy, we ought to resist the imposition of any new burdens, and more especially that of a tax in its very nature so exceedingly odious as that proposed to us."—[3 *Hansard*, lxi. 891.]

And again he said—

> "We are told taxation ought to be equal; can anything be more monstrously unequal than the tax recommended to us?"—*Ibid.*

That was the same tax they were now called on to continue. In 1845, Lord Howick most strongly protested against the renewal of the tax, and contended that it ought to have been accompanied with such measures as might give a fair and reasonable hope of its being repealed. [3 *Hansard*, xcvii. 622.] But the most consistent and most strenuous opposer of this tax was the right hon. Baronet opposite, the First Lord of the Admiralty (Sir F. T. Baring). Speaking in 1842, he stated "he felt the strongest objections to the tax, and even if he were to stand alone, he would record his dissent from it." [3 *Hansard*, lxi. 860.] Now, Sir, notwithstanding the change of the right hon. Gentleman's position—knowing, as we all well know, his consistency, honesty, and integrity—I hope I may safely challenge his vote on this occasion. In 1848, the right hon. Gentleman stated, that he yielded to necessity alone in supporting the continuance of the tax. He added—

> "Though he retained all his objections to the tax, yet, with such a deficiency in the revenue, he was not prepared to throw difficulties in the way of carrying it; for, bad as the tax was, there was one thing still worse—and that was a revenue permanently deficient." [3 *Hansard*, xcvii. 212.]

I shall not read—because I referred to them a few nights ago—the opinions of the Chancellor of the Exchequer on this tax. I had occasion to show, not only that the right hon. Gentleman was most strongly opposed to the principle of the tax, but that he differed from Sir R. Peel as to the incidence of the tax. I may differ from the right hon. Gentleman in opinion upon that point; but I am quite prepared to admit that, although the tax does fall in the first instance on property, whether in land or trade, and on professional incomes, it cannot fail to affect, consequentially, the labourer and the artisan. Now, Sir, I ask the noble Lord, and I trust I shall receive a distinct answer, how he can propose that a tax which he has described as having inherent in it inequality, vexation, and fraud, should be continued at a period when not only is there no great emergency to be grappled with, but when there is a surplus revenue, and a fair prospect of an increasing public income. I ask all of those right hon. Gentlemen whose opinions I have quoted, to state distinctly whether they have changed those opinions—whether they have since discovered that there is less of inequality, vexation, and fraud inherent in this tax than they then believed? and if not, I would ask them, whether they will not, in strict accordance with their own views, and with a due regard to all the conditions on which the tax has been imposed and renewed hitherto, join with me in now opposing the unnecessary and wanton renewal of it? I cannot believe that they have made any new discoveries as to the merits of the tax; and I am very sure that if there has been any change in their opinions, there has been none in the character and operation of the tax itself to justify it. It remains as true as when they expressed these sentiments, that the landlords, who are assessed on more than they really receive, and are allowed no abatement for deductions, feel the tax to be unjust; that the tenant-farmers, who are assessed upon supposed profits, even when they are suffering losses, know it to be oppressive and inequitable; that the merchants and manufacturers, who are subject to a galling inquisition, which does not always elicit the truth, know and feel it to be vexatious; that artists and others engaged in professions depending upon personal industry and ability are not reconciled to the disproportionate pressure of the tax upon them as compared with others enjoying the rents or profits of capital. I assert, therefore, without fear of contradiction, that the prevalent sentiment respecting this tax throughout all the classes who pay it, is, that it ought to be submitted to only as a temporary necessity. It is in accordance with these sentiments that I am now intreating the House to adopt a measure for the termination of it. Sir, the proposal which I submit for this purpose is not inconsistent with the general policy in finance which the Chancellor of the Exchequer proclaimed so loudly on a former night, the foundation of which is a due regard to the maintenance of the public service and the public credit. I concur with him in that view, although I do not understand how he can so strongly insist on the necessity of keeping up a good surplus in support of it, while he is paring down that which he possesses to the smallest possible dimensions. It will be observed, Sir, that the principle of my Amendment is, "that the tax should be continued only in such proportions as are necessary for the discharge of the public service, and the due maintenance of public credit." I am, Sir, one of those who hold that it is generally wise and politic to maintain some surplus of income after making provision for the annual expenditure of the country, and the discharge of the interest of the national debt. I do not agree with the Member for Montrose in the opinion that every surplus should be immediately applied in the reduction of taxes. But among the various claims for the application of the surplus now existing, I contend that the first and foremost is the gradual extinction of the income tax. If, Sir, I were to treat this subject upon mere general grounds of financial policy, I should advert to topics sometimes insisted upon in defence of this tax, and to the merits of the Budget of the Chancellor of the Exchequer, as connected with his commercial policy. I should then contend that the Chancellor of the Exchequer's Budget does not fulfil the principles of free trade. It very sparingly proposes to reduce duties which press upon commerce, or to create cheapness; it principally affects to deal with a direct tax—the window tax; and the right hon. Gentleman has entirely failed to show that, of the direct taxes that are competing for reduction, the window tax has any prior claim over the property tax. It is not merely on the ground of policy, but on the much higher ground of the obligation which the House contracted with the country when it imposed the income tax, that, so soon as it had the power, it would remove that burden, that I have proposed my Amendment. If there be any value in good faith on the part of a Parliament—if there be any importance in securing the respect and confidence of the people to declarations made in Parliament, then, I say, it is highly desirable that we should not allow this opportunity—the first which has occurred—of showing we are prepared to fulfil the conditions on which this property tax was imposed by Parliament, and submitted to by the country. If the resolution of the Chancellor of the Exchequer that this tax be now further continued should be adopted, without farther qualification than the implied intention to fix three years for its new term, it must be obvious to all men that it must henceforth assume the character of a permanent impost. I venture to advise the House strongly against this course. I propose that you should avail yourselves of the first opportunity of doing justice to the country, and of redeeming your own promises. I know that to modify or recast this tax with a view to its more equitable assessment on the different classes of the community, would be, though not impossible, extremely difficult, and I hardly venture to anticipate the success of any attempt of such a change. As a temporary tax, and only as such, it was submitted to with all its imperfections; and I will venture to say, with the certainty of not being contradicted by any friends of the late Sir Robert Peel, that if he had entertained the belief when he proposed the tax, that there was any danger of its being converted into a permanent tax, or that he would not be able to relieve the country from it at a future period, he never would have proposed it in the shape in which it now stands. The only justification that could be offered for it was that it was only temporary—that it was only imposed to meet a great emergency, and to enable him to carry out a policy which appeared to him to be in a high degree expedient and beneficial to the country. It was clear, therefore, that Sir Robert Peel and his friends looked upon this tax as a temporary one. I would invite, then, the noble Lord at the head of the Government to consider whether it would not be the honester and better plan to adopt the course which I recommend, and which is quite consistent with his own professions and those of his colleagues. There are parties in this House who have a special interest in this question, in addition to that general interest which all must feel. I would ask those hon. Gentlemen the representatives from Ireland what they would think of the passing of this Act for another period, knowing that the consequence will be to make it a permanent one? In such an event I ask them, do they not themselves see the inevitable consequence and indispensable necessity of extending it to property of the same description in every part of the united kingdom? Now why a permanent tax should not be extended to property of the same description in Ireland as in Great Britain, is more than any man has yet been able to explain. Sir Robert Peel gave reasons for not extending the tax when first imposed to Ireland, and they were good and sufficient. He looked to the peculiar condition of the country at that time, and on that account he exempted it from the operation of this tax; but, even then, he imposed other duties which were supposed to be equivalent to this burden. The greater portion of those duties were found to be unsuitable to the condition of Ireland, and during the next Session they were repealed; but Ireland still remains free from the income tax. I must here frankly state, that if it were proposed to extend this tax now to Ireland, with all its inequalities, injustice, and imperfections, I would say "No" to that proposition—for the same reason that I now contend for its discontinuance in England. It must be altered and amended, and then, if at all, it ought to be applied equally to all parts of the united kingdom. But, surely, the best mode of meeting all these objections and difficulties is to put an end to the tax altogether. I turn to those hon. Friends of mine who were the followers of the late Sir Robert Peel, and though I cannot concur in many of their views, yet I certainly expect from them that in respect to his memory, in consistency with his intentions, in fulfilment of his promises, in the execution of his engagements, they will concur in the Amendment I now propose to the House. I am sure that if that great man were still among us (and I speak not without knowledge having been consulted by him, at one time, on the subject), I should not be the person to make the present Motion; but if any Government had under such circumstances presumed to ask for the renewal of this property tax, with all its inequalities and deficiencies unremoved, Sir R. Peel would not have been the last man in this House to rise and express his opposition to it; but in consistency with his own opinions and policy he would have been among the foremost to support a Motion like that which I now place before you. It appears to me that there is nothing in the arguments nor in the circumstances of the present case which has been or can be urged by hon. Gentlemen on the other side of the House, to justify a renewal of this tax. In support of my view of the question, there is the general prosperity of the country. There is, indeed, some pressure, which unfortunately is greater, and operates with more severity on those who are the most heavily charged to the tax. I only ask the House to do justice — to fulfil its own declared intentions—to relieve the people of burdens in which there is fraud, vexation, and injustice. I trust, before this debate ends, I shall have the satisfaction of finding this House more attentive to the claims of justice, honour, and sound policy than of any agitation pressed upon the Government out of doors, and that they will fulfil the expectations which they held out, and commence the struggle against a tax of which the proper period of its termination has now arrived. What is the effect of the resolution which I propose? When I suggest that no more of the income tax shall be continued than may be requisite, in addition to other existing taxes, to meet the public exigencies, including therein the due maintenance of the public credit, I suppose I may take the surplus for the present year at about 2,200,000*l*. [The CHANCELLOR of the EXCHEQUER: No!] The right hon. Gentleman says "No." He has himself stated it at 1,900,000*l*., and the actual produce of the year has exceeded his expectations by 200,000*l*. or 300,000*l*. However, I will make a compromise, and will take 2,000,000*l*. as an undoubtedly fair surplus estimate for the next year. The property tax at present levied is at the rate of 7*d*. in the pound upon all income. Now every penny of that produces about 780,000*l*. of revenue, and I contend that there is room, with the present surplus, and having a due regard to the objects before mentioned for a reduction of at least two-sevenths of the property tax. If this proposition were accepted, therefore, the country would be relieved from property tax to the amount of 1,560,000*l*. This would still leave a considerable surplus; and the relief afforded would be far more substantial than by the repeal of the window duties—an old established tax—to which the country is accustomed, and not liable to so much objection as the property tax. The Chancellor of the Exchequer's plan of abandoning the window duty would occasion the remission of 1,200,000*l*. of taxation, and my proposal would, even in this year, remit 1,560,000*l*. A great agitation has been raised on sanitary grounds against the window tax, which the Chancellor might have easily met, and removed the objection altogether by allowing all persons to open what new windows they pleased without being subjected to any additional duty, by a simple plan of composition. If he would accompany such a measure with the reduction of the income tax, the right hon. Gentleman would give more general satisfaction, and raise the Parliament in the eyes of the people. You have thus two proposals before you —the one is on the part of the Chancellor of the Exchequer to pursue a course which must inevitably lead to a perpetuation of the property and income tax with all its difficulties and inequalities; and, on the other hand, the Amendment which is submitted to you will secure the ultimate abolition of the income tax, while it will afford more immediate relief to the country than the cessation of the window tax. It is between these two propositions the House has now to choose. If you pass the resolution of the Chancellor of the Exchequer, the country is doomed to bear the income tax for an indefinite period: if, on the other hand, you adopt the more just, the more honest, as well as more politic course which I venture to recommend, the income tax will be doomed to speedy extinction. I think I may be permitted to add, that by adopting this plan, which would make the speedy diminution of the tax dependent on the surplus of future years, the House would have established a great incentive to economy in the public expenditure. It will also be the means of affording a valuable assurance to the country at large that the promises made by Governments and by Parliaments, when they lay burthens on the people, are solemn engagements, and intended to be faithfully executed. The country awaits the decision of the House on these questions. In conclusion, I would venture to ask the noble Lord at the head of the Government, whose opinions on this subject I have read to the House, how he will find it possible, with a surplus revenue and with the full means of giving relief in his hands—with no emergency before him, and no danger, internal or external, to the peace of the country—with nothing, in fact, to justify the renewal of such a tax—I would ask how he could unsay those opinions which he has formerly uttered—how he can propose the continuance of an impost which has been by himself and all his colleagues, in concurrence with the universal public opinion, so strongly and so justly stigmatised?

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'it is the opinion of this House, that the respective Duties in Great Britain on profits arising from property, professions, trades, and offices, and the Stamp Duties in Ireland, granted by two Acts passed in the sixth year of Her present Majesty, and which have been continued and amended by several subsequent Acts, were granted for limited periods, and to meet temporary exigencies: That it is highly expedient to adhere to the declared intentions of Parliament when these Duties were granted and continued; and, in order to secure their speediest practicable cessation, to limit the renewal of any portion of them to such an amount as may be sufficient, in the existing state of the Public Revenue, to provide for the expenditure sanctioned by Parliament, and for the due maintenance of public credit,' instead thereof."

The CHANCELLOR OF THE EXCHEQUER said, he had already, on a former evening, expressed his conviction that the right hon. Gentleman would fairly and candidly bring forward his views on the question he had now brought before the House; and he would now do him the justice to say that his speech that evening had fully answered his expectations. The right hon. Gentleman had on the present as on former occasions, made numerous references to the opinions which had been expressed by him (the Chancellor of the Exchequer) and other Members of the Government. Now, he could assure the right hon. Gentleman he did not in the slightest degree deprecate the fullest reference to *Hansard*, and to his former opinions to be found recorded in that repertory of quotations; all he asked was that that reference should not be made by quoting a single isolated sentence, but by fairly giving the general tenour and scope of his entire remarks. It was perfectly true that in 1842 he did oppose the imposition of the income tax. He had then said it was liable to many objections. To objections he thought it still liable; and could the right hon. Gentleman say less than that of any tax whatever that he might name? All taxes were in some respects unequal and open to fraud. He maintained that there was no single tax that could be imposed of which that might not in some degree and to some extent be said; and, therefore, in order to see if the burden was unequal and unjust, they must take the whole body of taxation, and not a single tax out of the entire catalogue of those imposed on the people of this country. But he had stated distinctly the grounds on which he opposed the imposition of the income tax in 1842; and those grounds were—first, that the estimated amount of revenue for which it was proposed was not sufficient to counterbalance all the evils incidental to such a tax, and would not, as he thought, justify its imposition. He further stated then, that if that tax was about to be proposed for those purposes which had since been effected—if it were proposed for the purpose of enabling the Government to get rid of the great monopolies of sugar, timber, and corn, he would then have voted for its imposition; and he was not at all aware that any portion of his conduct or his votes since that period had been inconsistent with that declaration. He granted that this tax was in the first instance avowedly imposed to answer a temporary purpose, to meet a deficiency in the revenue. But that temporary purpose was answered in 1845; and in proposing the continuance of the income tax in 1845, the right hon. Gentleman (Sir Robert Peel) said that the temporary purpose had been answered—that they might now repeal the income tax—that he did not ask the House to renew it to meet the supplies of the year, but he asked for it in order to enable him to make a great experiment in taxation. [Mr. HERRIES was understood to dissent.] The right hon. Gentleman seemed to doubt the accuracy of his recollection; he would therefore read a portion of Sir Robert Peel's words in renewing the tax in 1845. He said—

"Such has been the increase of the revenue from permanent sources of income during the existence of the income tax, that we might have avoided making this experiment; we might have provided for the supplies of the present year without making any application to Parliament in respect to increased taxation; but we propose to continue the income tax for a further period, not for the purpose of providing the supplies for the year, but distinctly for the purpose of enabling us to make this great experiment of reducing other taxes."—[3 *Hansard*, vol. lxxvii.]

Sir Robert Peel then went on to say that it would be impossible to do this unless the tax were continued for a certain period; and he stated his confident belief that at the expiration of three years that would again have occurred which had occurred then, and that it would be competent for Parliament again, as before, to pursue the same course. Well, was that or was it not a confirmation of what he had stated was his impression as to what occurred at the renewal of the income tax in 1845—that it was not then proposed by Sir Robert Peel to make up a deficiency, but for the purpose of making a great experiment in taxation; to make goed the deficiency created by the repeal of other duties which he (the Chancellor of the Exchequer) considered more objectionable than the income tax itself? He stated his objections to the course which in that year was proposed to be taken with respect to the sugar duties but with respect to the income tax he said—

> "We are now told that this tax (the income tax) was imposed to carry through a great experiment of taxation. I do not object to continuing it on these grounds."

He knew not, therefore, how he could be accused of inconsistency, for he had stated in the first instance that he was prepared to support the income tax, if imposed for and applied to a given purpose; and had, in 1845, acquiesced in and supported the renewal of the income tax to try a great experiment in the reduction of taxation. In order, if necessary, to justify the conduct of himself and his right hon. Colleagues, and to show their perfect consistency on this subject, he would ask permission to quote what he said (and what he was now prepared to repeat) when he proposed the renewal of the income tax in 1848. He then said, speaking of what took place in 1842—

> "The ground which I then (in 1842) stated of my opposition was, that the income tax was too high a price to pay for the benefits which we were to receive from the change of taxation which was then proposed. But I said, in 1842, in opposing the tax, that if an alteration were made in the duties on corn, on sugar, on timber, and on other great articles of consumption, I should be ready to vote for direct taxation, and even for the income tax. Now, the duties on sugar, corn, and timber have been so altered; the circumstances which I have said would justify the imposition of an income tax have occurred; and, therefore, with perfect consistency with the principles which I advocated in 1842 and 1845, I now support the renewal of that tax."—[3 *Hansard*, xcvi. 1407.]

He (the Chancellor of the Exchequer) now proposed its renewal for the same purposes, and on the same principles, which he had pointed out in former years; for he believed that the measures which he had proposed to the House were in perfect consistency and accordance with those proposed from time to time by the right hon. Gentleman who imposed the income tax, in order (as Sir R. Peel stated) to carry out a change of taxation, hoping that, when that change was accomplished, it might be in the power of the House to repeal or reduce the income tax. The right hon. Gentleman (Mr. Herries) said that this was the first legitimate opportunity that had occurred on which the income tax could have been repealed; because this was the first time it had come before the House since its imposition, when there were prosperity and a surplus. But that was precisely the state of things in 1845. The right hon. Baronet (Sir Robert Peel) might then have entirely swept away the income tax. Every objection on the ground of fraud, inequality, and injustice applied to a small as much as to a large income tax; and, surely, if it could have been swept away at once, that would have been a more satisfactory way of getting rid of these evils, than the right hon. Gentleman's (Mr. Herries') proposal, to reduce it to the extent of 2*d.* in the pound. In 1845, Sir R. Peel could have done so; but he preferred, most wisely—and the House of Commons, with a due regard to the interest of the country, supported his proposal—to renew the tax for a time. He believed that we were now reaping the benefit of that determination in the reduction of other taxes, which it had been the means of effecting; and he hoped that three years hence we should have derived equal benefit from the renewal of the tax which he now proposed. He was accused the other night, by an hon. Gentleman opposite (Mr. T. Baring) with having made an attack upon the national faith and credit, by proposing a reduction to the amount of 1,536,000*l.* But Lord Stanley had, with the greatest frankness and openness, proposed to reduce the income tax by one-third; and the right hon. Gentleman opposite (Mr. Herries) now proposed to reduce it not quite by a third, but by 2*d.* in the pound; the right hon. Gentleman, therefore, proposed to reduce taxation by 1,560,000*l.*, while he (the Chancellor of the Exchequer) proposed to surrender taxes to the amount of 1,536,000. He would ask his hon. Friend (Mr. Baring) what he said to his (the Chancellor of the Exchequer's) want of regard to national credit, and that of the Whig Government, when the great authority of his own party on financial matters, the adviser of Lord Stanley on these subjects, had actually proposed a reduction greater than that which he (the Chancellor of the Exchequer) contemplated? The hon. Gentleman must admit that the dishonesty was at least as great on his own side of the House as on that (the Ministerial). He had also been told by the hon. Gentleman (Mr. Baring) that he risked the national faith, because he left it to rest upon direct taxation; and this assertion was made when, out of 1,500,000*l.* by which he proposed to reduce the taxes, 1,100,000*l.* was to be effected by a reduction in direct taxation. The right hon. Gentleman opposite (Mr. Herries), again, said that, in the reductions of direct taxation, which the Government proposed, they were not acting in accordance with their principles, because they were not reducing the duties on raw materials, and blamed them for not doing so. Surely there was some difference of opinion between the two hon. Gentlemen, whom, on these subjects, he should consider the best authorities of the "united" party who occupied the opposite side of the House, upon financial and commercial matters; for these hon. Gentlemen had condemned his policy upon utterly inconsistent grounds. Nearly the whole of the argument of the right hon. Gentleman (Mr. Herries) was founded on the supposition that he (the Chancellor of the Exchequer) had proposed to the House the permanent reimposition of the income tax. Now, he had never said one syllable to that effect, nor did any proposition that he had made bear that interpretation. He had invariably spoken of the tax as one imposed to cover certain alterations or modifications of duties which he considered more objectionable and oppressive than the income tax; and if the proposals that he had made to the House from time to time had not been pretty generally opposed by Gentlemen on the other side of the House, and if more reductions had not been extorted from him than he thought right, the revenue would now have been in a better condition than it was. He proposed to renew the income tax for the limited period of three years, in its present form; because he was perfectly aware of the difficulty—almost the impossibility—of modifying the schedules; and if, therefore, the tax was to be renewed for a limited period only, he thought it would be unwise and inexpedient to attempt any alteration. He thought, however, that the right hon. Gentleman had somewhat misrepresented the opinions of the late Sir R. Peel; for he remembered that distinguished statesman saying, during one of the debates that took place on this subject, that he thought it would be a most dangerous precedent to endeavour to modify the rate of taxation under the different schedules. He was not now going into this question; for his right hon. Friend and the House must see how very difficult it was in one speech to dispose of so numerous and such diversified propositions. The propositions which had been made on this subject were widely different. The right hon. Gentleman (Mr. Herries) had stated that there was injustice in Schedules A, B, and D; and he believed that his hon. and gallant Friend the Member for Lincoln (Colonel Sibthorp) had given notice of a Motion, and was prepared to show that there was some injustice in Schedule E. Now, if the tax was complained of as so unjust to all, it might happen not to be so very unjust to any one. If each schedule was to be reduced by a certain amount, the pressure might be left very nearly what it was now. He recommended hon. Gentlemen, before they made up their minds that any one particular schedule was to be reduced, also to make up their minds as to what effect that reduction might have on some other schedule which might have an equal or a better claim to reduction than the other. He thought it, however, better to postpone the detailed discussion of these points until they came to the consideration of the schedules in Committee. He might say, however, that no one who had ever attempted to deal with this tax had ever found it possible to modify the schedules. That great authority in financial matters who proposed and carried this tax (Mr. Pitt), opposed any modification of the schedules. [An Hon. MEMBER said, that this was during a war.] Yes, but the injustice did not depend on the war. It was not correct, as had been stated, that Mr. Pitt stated that the tax must be adopted in the form in which he proposed it, on account of the necessity of the case. And when Mr. Addington, afterwards, did propose a modification of the schedules, Mr. Pitt came down and opposed him on the ground of justice. Let the right hon. Gentleman refer to the debates of that period, and he would see that Mr. Pitt did not ground his arguments in support of the tax in its then form upon the necessity of having the amount of the tax, but upon the justice of that manner of assessing it. He thought it most desirable that the tax should be continued for three years as he had proposed. It would be most inexpedient and unsafe that so large an amount of our taxation should depend upon an annual vote of the House; but he did not wish to prevent or obstruct the right hon. Gentleman, if he should happen next year to be Chancellor of the Exchequer, from then proposing to reduce the income tax, if he thought proper. He

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did not think it would be fair to the right hon. Gentleman, or to any other person who occupied that place, that he should be fettered in the exercise of his discretion. No doubt it would have been the easier and the more popular course for him (the Chancellor of the Exchequer) to have proposed the renewal of the income tax merely for a single year; but he did not think that would have been an honest course for him to have taken. If the present Administration were to be replaced by hon. Gentlemen on the other side of the House, he would, so far as lay in his power, put them in the same situation in which he would wish himself to be placed—he would do to them as he would be done by. Under all the circumstances of the case, looking at the uncertainty as to what might occur at home or abroad, he thought that if the tax was to be renewed, it was most unsafe that it should be placed on the footing of an annual vote, or that his right hon. Friend, or any other person, should be necessarily compelled to deal with so large an amount of taxation next year. The right hon. Gentleman said that if the tax was to be renewed for three years, it must necessarily be extended to Ireland. He (the Chancellor of the Exchequer), however, said directly the reverse. He was sure that there was no ground for the exemption of Ireland that existed at the time when the tax was imposed, which was half so strong then as it was now. Ireland had not then gone through the period of calamity that had since befallen her. Property in Ireland was not then depreciated to its present extent, nor were the greater part of the proprietors then barely recovered from a pressure unexampled in modern times in any country. Whatever grounds of exemption existed in 1842, existed in a far greater degree now; and therefore he thought that it would be a cruel injustice to attempt to impose this tax upon Ireland at the present moment. But the right hon. Gentleman had said the other night that the income tax was necessarily rendered permanent by taking off the duties on articles of consumption. But he (the Chancellor of the Exchequer) had not proposed to take off a single duty, but merely to reduce three, all of which were taxes likely to revive. The produce of the taxes on coffee and timber was likely to increase rapidly; and though the amount which he proposed to take off by the repeal of the window duties was, as far as it went, a total loss, the house tax to be imposed instead would be a continually, and, in our rapidly extending large towns, a quickly-increasing tax, the more so, if by lowering the rate of the tax we promoted the extension of buildings. But when he was charged with sacrificing so much of the revenue by the repeal of duties upon articles of consumption as to render the permanent imposition of the income tax necessary, he entirely denied that there was any such danger from the policy which he had pursued, while he contended that the policy of hon. Gentlemen on the other side of the House was tending precisely in that direction. With regard to sugar, for instance, his first proposal to the House was a reduction of the almost prohibitory duty on foreign sugar. In 1845 he objected to the manner in which Sir R. Peel had dealt with the sugar duties, and pointed out that by reducing the duty on colonial sugar, and leaving a protective duty on foreign sugar, he had sacrificed a large amount of revenue without benefiting the consumer. The exclusion of foreign sugar prevented a reduction of price, consumption was consequently not increased, and thereby the produce of the tax imposed upon the colonial sugar admitted, was diminished to the utmost extent of the duty taken off. He had always thought this a great mistake in the policy of that right hon. Baronet; but by his other measures, Sir R. Peel amply redeemed the temporary error which he had made. Any one who witnessed what had subsequently taken place, must be aware of the infinite difficulties with which that right hon. Baronet must have had to contend; and, looking at the general tenour and purpose of his policy, from 1841 to 1846, it met with the warmest and most cordial approbation of the present Government. The result of the alteration of the protective duty which he (the Chancellor of the Exchequer) carried in 1846, was the increase of the revenue from sugar to the extent of 1,100,000*l.* in a single year; and he had no doubt that if the operation of the Act of 1846 had not been interferred with, the produce of the sugar duties would now have been infinitely larger than it is. The provisions of the Act of 1846 were altered in 1848, and the colonial duties were reduced. Now, that alteration was made in deference to the expressed opinions of a Committee presided over by the late Lord George Bentinck, or, at any rate, in which he took a most prominent part. In deference to their recommendations, and in order to do what they considered justice to the Colonies, he (the Chancellor of the Exchequer) introduced a Bill in 1848, by which the duty on colonial sugar was somewhat reduced, and the term of protection somewhat extended. He did not repent of that measure; he believed that it had worked well, for the consumption of sugar had increased 50 per cent during the last six years. But it must be remembered that, financially considered, that alteration necessarily postponed the time at which the revenue would recover itself to its former amount, and that for that alteration hon. Gentlemen on the opposite side of the House were at least as answerable as he was. What happened also in the case of the stamp duties? He proposed a reduction to one-eighth in the lowest amount, and that then the duty should advance on the *ad valorem* principle; but hon. Gentlemen opposite said, "We approve your principle, but you shall not have your revenue;" and they forced a great reduction in that item of taxation, and again prevented a rise in the revenue. So that, if anybody was answerable for there not being that increase in the revenue which alone would enable Parliament to repeal the income tax, they were the persons who were responsible, and not himself. A proposal had also been made, not for the reduction, but for the total repeal of the paper duty, and one of the warmest supporters of that Motion was the hon. Member for Buckinghamshire (Mr. Disraeli). With what consistency, then, could that hon. Gentleman, who supported the repeal of a tax yielding 700,000*l.* per annum, reproach him for repealing taxes and not reducing them, so that they might rise and restore the revenue? He would now go to a proposal of a much greater amount, that for the absolute repeal of the malt tax—five millions paid by the consumer to be swept away! The hon. Member for Oxfordshire (Mr. Henley) told him that he was not justified in proposing the repeal of duties paid by the consumer, and yet the great party opposite voted for the total repeal of the malt tax! Did they think that if that had been carried, it would have been possible to repeal or even to reduce the income tax for years to come? If that were so, he must say that Gentlemen on the opposite side of the House should look carefully to the course they had themselves pursued, before they addressed these reproaches to the Government. His own belief was, that if the taxes on consumption were judiciously reduced, the revenue would rise again, and that, too, rapidly; he believed that if the national credit was to be staked on its present taxation, it was wise to remove from that taxation the more objectionable parts; the more popular the taxes were rendered, or rather the less unpopular, the more certainly would they be able to maintain them. Which was likely to be most permanent, the window tax with all its sins on its head, and open to all the strong objections that might be made against it, or the house tax which he had proposed, and which was based upon principles to which no one had as yet even stated an objection? Was it likely that the duty on coffee would be more productive if it was left at such an amount as to lead to the adulteration which the annual falling off in the consumption of coffee proved to be the result at present? The consumption of foreign coffee had fallen off ten or twelve million pounds during the last few years; did not hon. Gentlemen think that the proposal which he had made would in a short time increase the consumption of foreign coffee? Did they not think that we should obtain an increased importation of Baltic timber, paying a higher duty than colonial, by the reduction of duty which he proposed to make? He felt confident that the course he was taking was in strict accordance with what had been done before—that it tended to improve the revenue, to place national credit on a sound foundation, and to enable those who might come after him to repeal or reduce the income tax. He was sure that none of the taxes to which he had referred could have been maintained without alteration; but he believed that they might be maintained when the objections to them had been removed by the modifications which he proposed. He stated the other night that under the pressure of the income tax the ordinary revenue of the country was now the same as in 1844, though 7,000,000*l.* of taxes had been repealed in the meantime. Was that not likely to happen again, and had not the right hon. Gentleman, even in his estimate of that night, given them some reason to believe that an increase might take place even to the extent which he (the Chancellor of the Exchequer) had predicted? He admitted that the revenue of the country was, in this quarter, in a better state than he anticipated—better than any information that he had received from the heads of the various revenue departments at the beginning of the quarter warranted him in stating to the House that it would be, in every material branch of revenue—thus tending to show that there had been a decided improvement in the condition of the people. To what was that owing? To the wise legislation which had relieved the springs of industry, and removed impediments from its progress. This had happened under the pressure of the income tax, in consequence of other pressure having been taken off; and until other taxes more objectionable than the income tax were removed, he thought that it would be wise to retain that tax. Was not the increase in the consumption of sugar from 4,000,000 cwts. in 1844 to 6,000,000 cwts. last year (50 per cent), a great benefit to a large body of the population? When the right hon. Baronet (Sir R. Peel) reduced the duty on foreign spirits, the revenue from it rose in two years to the same amount as before, while the consumption of British and colonial spirits had increased during the same time. Look at the Excise revenue, which was admitted to be the best test of the condition of the people. During the last ten years 1,500,000*l*. of Excise duties had been reduced, and yet the produce of these duties was greater now than at the beginning of that time. During the year ending April 5 last, the Excise duties had increased about 385,000*l*. as compared with the previous year; but to that must be added the whole amount of the brick duty which had been repealed, so that the positive increase on the Excise duties in the course of the year was no less than 835,000*l*. That was pretty convincing proof that under favourable circumstances the revenue would rise. He did not expect it to be quite so high in the present year, because this was, he feared, a bad malting year, whereas last year was a good one; but there was an increase in every other of the Excise duties—a proof, so far, of the improved condition of the people. He quoted these cases as showing the result of what had been done; and was it not likely that the same favourable results would attend what they were now doing? Were not the reductions in the duties on coffee and timber of the same character as the other reductions of duty which had been previously made?—while the alteration in the mode of levying the window duty was calculated to promote the same object as that of all our recent financial legislation—the improvement of the material and moral condition of the people of this country. He believed there was no tax an alteration of which would produce so widely-extended benefit from one end of the country to the other. Some complaint had been made with respect to his having withheld some boons which had been proposed to what was called the agricultural interest. Hon. Gentlemen seemed to think that he had given up the measure merely because of some sneer at the inadequacy of the amount of the relief proposed to be afforded; but it was forgotten that it had been declared by the hon. Member for North Warwickshire and other Gentlemen, that the reduction of the duty on seeds would be a hardship and not a boon to the agricultural interest. With regard to the other measure he must beg to say that, if it was to be taken in the sense in which the hon. Member for Buckinghamshire (Mr. Disraeli) took it on Friday—if it was to be taken as the first step to transferring the charge of the poor to the national revenue, he would rather forfeit his right hand than make such a proposition, which he believed would be destructive to the best interests of the country. He contended that country gentlemen would gain much more by the proposed reductions in the window duty, than they could have done by the transference of the charge for pauper lunatics to the Consolidated Fund. If he had withdrawn that which was considered insufficient, he had given them far more. The right hon. Gentleman stated that he proposed entirely to sever the question from that of free trade, and complained that he (the Chancellor of the Exchequer) had coupled his Motion of to-night with the policy of Lord Stanley; why, it was the first step of that policy. That noble Lord had frankly and fairly stated to the country in his place in Parliament, that if he had succeeded to office, he should apply the surplus arising this year, as far as was consistent with the maintenance of the public faith, to the reduction of the income tax, and that the future surplus would be applied to the same purpose; and he coupled with that the imposition of a duty on corn. Was he to suppose that the noble Lord had determined on and avowed that policy without the concurrence of the right hon. Gentleman? Was the right hon. Gentleman, whom the noble Lord boasted of as the only person of official experience whom he could induce to join his Government, not consulted on the proposed financial policy of the noble Lord? If, indeed, that were so, he must say that the country had had an escape of which they little knew the value from a Government whose financial policy was determined upon without the advice or knowledge of the person best able to advise on the subject. But unless the right hon. Gentleman told him so, he had no right to believe that that announcement was made without his full concurrence. It was not quite two years since the right hon. Gentleman himself made a distinct Motion in that House for the imposition of a duty upon corn; and only last year, in the course of a debate which took place on a Motion of the hon. Member for Dorsetshire, the right hon. Gentleman avowed that what he looked to was the imposition of an 8*s*. duty on corn. Had he then a right to suppose that the right hon. Gentleman was not a party to the policy of the noble Lord, and that when that noble Lord came into power he would not have his concurrence? The hon. Gentleman who sat near him, however, might perhaps have formed a more correct estimate of the right hon. Gentleman's intention, when, treating the proposal apparently with some disrespect, he talked of it as a mere financial exercitation. If the right hon. Gentleman was not for a duty on corn, let him be received as the last but not the least important convert, and let it be said that now no person with official experience, financial knowledge, and acquaintance with the affairs of the country, would stand up to propose such a duty. Would it were so! But, whatever his principles might be, the great party headed by Lord Stanley were not prepared to abandon a duty on corn; and it was not to be supposed that they would not bring it forward if, by repealing the income tax, they created a deficiency, and therefore this, which was in reality the first step in the noble Lord's policy, ought to be resisted. He (the Chancellor of the Exchequer) would never be a party to the imposition of a duty on corn. He was sorry that rents should be reduced, and that the agricultural interest should suffer; but he would rather submit to any reduction of rent whatever, than be a party to imposing such a duty. No measure could be so fatal to the country, or to the country gentlemen themselves. The people must not be able to say their bread was taxed to raise the rents of the landlords. Let the gentry of England be, as they always had been, the friends and the leaders, part and parcel of the people. But he would not now further detain the House. He called upon them not to vote a permanent income tax, but an income tax for a time to be limited. He meant that time to be three years. The Chancellor of the Exchequer of next year would then have it at his option to reduce the tax if he thought fit, but the necessity would not be imposed upon him. It was proposed to reduce taxes more objectionable even than the income tax. Other reductions might be advisable, but were not so necessary; those proposed were of primary importance. If the proposal of the right hon. Gentleman (Mr. Herries) were adopted, they would be impossible. His scheme with regard to the window tax would be open to the objections urged so strenuously against that which he (the Chancellor of the Exchquer) before proposed. Did the right hon. Gentleman think, if parties were discontented when they derived benefit, that they would be better pleased when they derived none? Did he think that his own proposal would give greater satisfaction than that of the Government? He might depend upon it he was mistaken. If the proposal of the right hon. Gentleman were adopted, there was an end to the relief on articles of consumption—there was an end to the relief for improving the dwellings of the working people, either in the country or in town—there was an end to that course in which we had proceeded so successfully for some years, and from which we enjoyed, as he thought, that general prosperity which he was happy to hear the right hon. Gentleman admit as prevailing. If the House to-night should decide in favour of the right hon. Gentleman's proposition, the result would be that he (the Chancellor of the Exchequer) would be debarred from carrying into effect those propositions he had himself made, which he believed to be essential for the benefit of this country, and more particularly essential for the benefit of that portion of the community whom they were especially bound to protect.

Mr. PRINSEP: Sir, I have listened with great attention to the speech of the right hon. Baronet the Chancellor of the Exchequer, as well as to that he delivered on Friday last, and I have carefully read also the financial statement made by the Chancellor of the Exchequer in February, before I had the honour to sit in this House. I have not been able to discover in any of these financial statements reasons sufficient to satisfy the country as to the necessity for continuing the income tax in the manner proposed. We are now in the proud position of being master of a large surplus, and it is in dealing with this that the Chancellor of the Exchequer has found difficulty—such difficulty has contributed mainly to produce the crisis through which we have scarcely yet passed. He has reminded the House that it is now just ten years since another Government with which he was connected, though not in so high a capacity, was brought into similar difficulty—a difficulty that ended in its dissolution, by a deficiency. How does it happen that whether there be a surplus, or whether there be a deficiency, the result is the same? Both equally produce a crisis to the government of the party with which the right hon. Baronet is connected. The reason is evident. Both equally require them to deal with taxation, and having no fixed principle to guide them, no recognised rule of conduct that commands assent, they are like a ship at sea without a compass, sure to be wrecked. In his speech of February the Chancellor of the Exchequer stated the surplus of the past year at 2,500,000*l.* On Friday last he stated that he had to deal with 1,892,000*l.* which, but for the explanation elicited through the question of the hon. Member for Montrose, might have puzzled the uninitiated.

The CHANCELLOR of the EXCHEQUER: It will perhaps save the hon. Member from blundering on— [*Loud cries of* "Order, order!" "Oh, oh!" *from the Opposition benches.*]

Mr. PRINSEP: Never mind; the more offensive the better.

The CHANCELLOR of the EXCHEQUER: Nothing could be further from his wish than the intention to say one disrespectful word. He thought it would be more courteous to the hon. Member to repeat what he had before stated, which was, that the surplus of this year was 2,500,000*l.*, that for the coming year would be 1,892,000*l.*, of which there would be left for the operations of the year a sum exceeding 900,000*l.*, arising out of arrears of window tax, and the unappropriated portion of that surplus. The offensive word had slipped out unintentionally, but the House, he was sure, would give him credit for having no desire to wound the feelings of any Member.

Mr. PRINSEP: If the right hon. Baronet had allowed him to finish his statement, he would have seen that he was no blunderer, but perfectly understood as well the point that had now been re-explained, as the matter he was discussing, which touched a different question—that of the payment of debt. The right hon. Baronet had stated his surplus in February at 2,500,000*l.* He now stated that for this year at 1,892,000*l.*, which was just one-third less than the surplus of February; the difference equals the precise fourth of the past year's surplus, which, under the existing law, had been made applicable to the discharge of debt. That amount, 60,000*l.*, was the proportion of the surplus of 2,500,000*l.* which had been so appropriated, or was now in course of appropriation. Now, the Chancellor of the Exchequer proposed in February to apply an entire million of the two millions and a half to this object. His present Budget varies from the preceding by exhibiting a debt payment not exceeding the proportion applicable by law to the purpose; and hence it is that he has a larger balance to carry over into the next year than was before exhibited. Now, on the subject of that balance, the Chancellor of the Exchequer has stated it at 924,000*l.*, consisting of 356,000*l.* of unappropriated surplus, and 568,000*l.* of arrears of window tax—the sum proposed to be applied to the relief of taxation being 1,536,000 out of 1,892,000. Now the surplus of next year differs from that of the present year only in the amount of the above debt payment; and if that be still realised from taxation, and be not included amongst remitted items, why should it not also remain to swell the available surplus of next year? The Chancellor of the Exchequer requires a surplus balance to meet an unexpected demand for the expenses of the Kaffir war; and he has referred to another item, which he states as having suddenly come upon him, of 400,000*l.* for adjustment with the East India Company of the accounts of the Chinese war. How this, which is an old unadjusted account, can be represented as a sudden demand, is not very intelligible. It will be found, probably, to have been recalled recently to his recollection under a claim of set-off against some demands made by the Crown upon the East India Company; but this is not the time to discuss that point. Before entering upon the propositions for relief of taxation, he (Mr. Prinsep) said he must crave permission to remark on the payments made of debt out of the surplus of the expired year. The hon. Member for Montrose objected to such payments, and he (Mr. Prinsep) was inclined to concur in the same view. The payment of debt was made by purchasing 3 per cent Consols at 97, which had for some time been the prevailing price. Now what was that but an investment of money at 3 per cent? If there had been any Government stock or obligation of any kind that could have been extinguished on better terms than a purchase of 3 per cents, so near par as 97, he should have rejoiced to see not only 630,000*l.* devoted to such an object, but a full million, or even more; but nothing of that kind had been proposed. The Chancellor of the Exchequer had reminded the House that as much as twenty millions had been added to the principal of the debt within the last twenty years, that is, since the party to which he is attached came into power. It is, no doubt, a lamentable circumstance to reflect upon, that in a time of profound peace with all Europe, nay, he might say with all the great nations of the world—for the Chinese war had paid itself—the debt should have been so largely increased; but the Chancellor of the Exchequer had forgotten to mention that in the same interval—not certainly through any arrangements of his—a large reduction had been made in the charge for interest on the public debt—a reduction much exceeding a million, and therefore more than covering the addition to the nominal principal. Upon the country, therefore, the debt is now a less severe burthen than it was twenty years ago; and was it wise to raise money from the nation by severe taxation, in order to invest it at a rate of only 3 per cent? But this was not all. If he recollected right, the last loan raised by the Chancellor of the Exchequer was by an issue of 3 per cents at 87. Thus was the Irish loan of eight millions raised less than four years ago. Now the Government is purchasing this same 3 per cent stock at 97. An annual payment of 3 upon 87 is equal to a rate for the 100 of near $3\frac{1}{2}$: and if you add to that rate a difference of 10 for the rate of extinction, after less than five years we have a rate for the use of money for this short period, of less than five years, of very near 6 per cent. This surely could not be either good policy or good finance. But the Chancellor of the Exchequer had said that this action upon the debt sustained public credit, and gave him facilities for borrowing, that is to say, it improved the terms on which he could raise money when wanted for any exigency. He (Mr. Prinsep) doubted this. The purchases by the Commissioners of the Sinking Fund were a forced action, that gave a fictitious price to the public securities while it lasted. Such a thing was, doubtless, popular in the City, and in Capel-court. Everybody liked to know that he was so much richer in consequence. This fictitious action being confined to one particular stock, its rise caused sales for shifting capital and for exchange of investments and bonds, and promoted those gambling speculations so beneficial to the gentlemen of the Stock Exchange. But long before the Government is reduced to enter the market with a loan, the fictitious action of such purchases will have ceased, and the fluctuations downward will correspond with the forced rise incident to this unnatural cause. This was probably the reason why in 1846-47 the Government could obtain money for the relief of Ireland on no better terms than 87*l.* for perpetual annuities of 3*l.*, and it will account also for a great part of the monetary convulsions witnessed periodically in this country. But, to proceed to other parts of the Budget, viz., those especially which deal with taxation. The Chancellor of the Exchequer knows that he has been charged with want of principle in this part of his finance. He adverted to this accusation in his speech of Friday; and how did he meet it? He told the House, "that the principle he had always advocated—that on which he based his commercial and financial measures, was always the same, namely, to do that which appeared to him most beneficial to the labouring man, and to the mass of the population." Now this was an intelligible and an excellent principle. His aim, he says, is, in all things, and at all times, to relieve the industry of the country and the whole community. If the measures he proposed would but bear the test of examination by this principle, no answer could be more complete. But will they do so? He had proposed to convert the window tax into a house tax, assessed upon rents; and he gave, in so doing, a relief of two-thirds of the amount levied. Is there in this, he (Mr. Prinsep) asked, any relief to the working man, or to the mass of the population? The change in the method of assessing the tax was doubtless beneficial; but did the artisan or the day-labourer taste of the benefit of the relief granted from taxation? Again, the

Chancellor of the Exchequer proposed to reduce the duty on coffee: he removed altogether the discriminating duty on foreign coffee, and reduced that on colonial coffee by one-half. Whether it was wise or not to remove suddenly this differential duty, was a separate question; but as a relief to the working man or to the mass of the population—were they consumers of coffee? Assuredly not of the genuine unadulterated article assessed with duty. The roasted corn and chicory were their food, and the reduction of duty would make no difference in the price of these. Again, the reduction of the timber duties was a measure of relief that favoured only those engaged in building houses and ships—how could this be called a measure aiming to give relief from taxation to the labouring man and to the mass of the population, whose interests the Chancellor of the Exchequer declared he had exclusively at heart? Thus of the three measures of relief proposed in this Budget, there was not one that would bear examination by the test of the principle so ostentatiously announced; the public, therefore, were still justified in saying that the Government was guided by no principle in its finance. It must be judged by its measures and not by its professions. Would the House bear with him while he endeavoured to explain his view of indirect taxation, before entering on the question whether to give the preference over it to the present much-condemned income tax. All taxes are, of course, what a man contributes to maintain the Government and the social institutions from which he derives extensive benefits. If the whole taxation of a country were indirect, and were so contrived as to be equally distributed over every article purchased for use or consumption, then with a tax besides, at the same rate, laid upon house rent and sevants, it is evident that every individual of the community would pay equally in the exact ratio of his expenditure. This scheme of taxation would tax casual and temporary residents as well as permanent householders, and every one would pay in the same proportion and for the precise term that he enjoyed the benefit of the institutions and of the social condition maintained through the revenues so raised. This would be the perfection of indirect taxation; but it is evidently impossible to tax every article sold in a country for use or consumption; certain special articles, therefore, are selected, of general use and easily accessible to the taxgatherer, and these are taxed at the rate that will yield a maximum of revenue. We have chosen so to assess spirits, tobacco, tea, sugar, malt, &c. These are all articles that enter into the economy of the poorest labourer, as well as of the rich man, and hence the poor man pays more than his due share: not that the rich man is exempt, for he too pays on those articles so far as he purchases them; but his other purchases are not taxed at the same high rates, and the amount he contributes, therefore, does not bear the same ratio on his entire expenditure. How, then, is the poor man to be compensated for this undue burthen? We raise as much as 35,000,000*l.* in the United Kingdom by this indirect taxation, and 31,000,000*l.* of this upon articles of food, and we cannot dispense with the revenue so obtained; the Chancellor of the Exchequer does not propose to give up any part of it. If, therefore, the Chancellor of the Exchequer's principle is to be carried out—that of relieving industry and the masses of working labourers, there is but one way of doing it, viz., by so legislating and so contriving that the classes so unduly suffering shall be able to add the taxation they pay, or some proportion of it, to the price of the articles they produce; and so distributing the burthen over the whole community. The entire producing classes of the population of this country depend on price for their wages and profits. If they cannot add the taxation they so unduly pay, to the price on which they depend for subsistence, that taxation, whether direct or indirect, must fall wholly on wages. Their case is the case of the producer of an excised article: if he cannot add the excise duty to price, he must cease to produce, or is ruined. Now the policy we advocate is the policy of continuing indirect taxation, because it is a scheme of imposts bearing on expenditure, and proportionate thereto; and we propose so to adjust other taxes, as shall enable the industrious producing classes, who pay an undue proportion of that indirect taxation, to seek their remuneration by adding their taxation to the price of the articles on whose sale they depend for employment and for subsistence. The Chancellor of the Exchequer has declared himself the enemy of indirect taxation. He prefers the income tax and other direct taxes, but he leaves 35,000,000*l.* to be levied chiefly from the poor, in the price of commodities, and he will not allow the industrious labourer, who pays an undue share of this, to add what he so pays to the price of the article he produces. He exposes him to the competition of the cheapest producing country in the world, forcing him to work at wages reduced to the scale of that country, and taking still this undue share of that indirect taxation out of those reduced wages. The right hon. Baronet has referred to the policy of the party on this side of the House, as if it were based on the single proposition to impose a 5*s*. duty on corn; but he knows that we ask for no special protecting duty on corn or on any one article. He knows that it is a general duty on foreign imports of all kinds that compete in our own markets with domestic industry—an equal duty, just sufficient to compensate for this indirect taxation, which is the policy and the principle that we advocate. The country knows this to be the true issue between us and the free-trader. We ask for taxation to be added to price, in order to save producers from ruin. He seeks for cheapness at the expense of all home production. This is the question at issue. It is the subject of every hustings speech at the passing elections; and the Chancellor of the Exchequer may depend upon it that, at the next general election, it is the question that will divide the country from one end to the other, and he may rest assured that the real merits of that question are already thoroughly understood. Gentlemen on that side of the House were continually declaring that cheapness was for the good of the entire community—dearness only for the good of the sellers, who were a minority and a class, and that the good of the whole must not be sacrificed for the good of the few. But this was a false principle and a delusive argument. The whole producing classes of the united kingdom lived upon price: their livelihood depended on prices being remunerating, so as to induce the continuance of production. Were they a small minority of the population? All these must sell before they could buy, and would benefit more by the fair price than they would gain by a general cheapness. Why so? Because their whole income depends on that price, and the general cheapness touches only that portion of their income that may be spent on the cheapened articles. The taxed articles, their tea, sugar, beer, spirits, and tobacco, continue just as dear as ever. On the balance of benefits, therefore, they ask for the remunerating price, and not for cheapness.

Mr. Prinsep

Now substract all producers who depend on prices, and whom have you left as benefiting from cheapness? None but those in the receipt of fixed incomes, not dependent in any way upon production or on the sale of products; and are not these a small minority? To talk, therefore, of the whole population as interested in cheapness, and to compare producers with that, which was done in Monsieur Barteast's argument, was just the same as to take the result of the division upon the debate of this night, and to compare the majority not with the minority or residue, but with the whole House. But is the Chancellor of the Exchequer sincere and consistent in his opposition to the general duty on imports which we propose? Not a bit of it! He has now upon his Customs code a ten per cent duty on all manufactures excepting only on made up cottons, linens, and woollens; and though he has a large surplus, he devotes no part of it to the removal of any one of the protecting duties so imposed. All we ask is, to make that ten per cent duty general upon all commodities that come from abroad to compete with the products of our heavily-taxed home industry. Such is my idea (said the hon. Gentleman) of our existing indirect taxation. An inroad has been made upon it by removing all import duty on agricultural products. This I wish to see repaired by the imposition of an equal duty upon all things which would place this indirect taxation on its proper footing. I have no desire to see an income tax permanently introduced into our Budget, in substitution for taxation in this indirect form, to which the country has been so long accustomed. My first objection to an income tax is, that it is not proportioned to expenditure, but is laid upon the entire income or annual realised means of each individual. You tax the whole of a landlord's rents—the whole of a merchant's profits—the whole of a professional man's earnings—including in each case what is laid by for accumulation, which is an erroneous principle. Expenditure is evidently the proper ratio of taxation. By confining taxation to that, you ask every man to abridge his comforts, and so to arrange his expenditure as that the maintenance of the Government institutions of the country shall be included in what he provides for; but when you tax profits or casual earnings at a fixed per centage laid on their accidental total amount, you do what the keeper of a Chinese gambling house does to his customers. Taking ten per cent regularly upon all winnings, he soon gathers the entire stakes into his bank. And why should the State desire to tax accumulations? If you leave them alone and encourage their growth within the country, they lie there even when laid up by the miser as a certain resource for future taxation; when falling to a legatee or an heir at law, they furnish to him an income for profuse expenditure. If, on the other hand, you lay your tax upon these accumulations, you only drive them to countries beyond your influence, and which are exempt from your taxation. They will be sent thither for more profitable and more productive investment, and nothing will be returned under any of your schedules for assessment if the rents and dividends be left in those countries for accumulation. There are objections to all income taxes assessed equally upon the total of realised means; but the present income tax, which we are called upon to continue, is full of other imperfections also, and such as ought to be fatal to its continuance. It has been devised in a spirit of communism. It does not, indeed, say with M. Proudhon, *La proprieté ce'st le vol.* It does not quite declare and treat property as if it were stolen goods; but it does the next thing to it—it declares property to be the properest object for taxation—it treats it as a general would deal with a city from which he was levying a contribution, and holds it out as a fit object for exchequer pillage. Look again at every one of the schedules of the existing law; they were all equally unfair and iniquitous. The landlord was assessed on the whole of his rents, whether realised in full or not—nay, he even paid tax on the growth of his timber; and though he might deduct the tax from an old mortgagee under a deed in existence at the time when the tax was imposed, he must go into the market to lay a new incumbrance on his estate, and the loss by the imposition of the tax would fall on him. This is, besides, the objection to levying on what the landlord lays by for young children out of an entailed estate. Then see the tenant-farmer, who paid in the ratio of his rent whether he realised a profit or no—was he fairly dealt with? And both those classes who thus paid unduly are now in the position of having been ruined by the very course of fiscal legislation which has created the necessity for continuing this unequal and odious tax. Then see the fundholder—he too was taxed on his accumulations, and not on his expenditure only: but his complaint was, that the tax was a reduction of the rate of interest guaranteed to the public creditor. Now this might not much signify; so long as the rate of income taxation was only three per cent. but if the principle of the Chancellor of the Exchequer was carried out, and the tax were extensively substituted for our indirect taxation, reaching to upwards of thirty millions, the present rate would require to be increased to ten and twenty per cent, and what would that be but repudiation? With respect, again, to the oporation of the income tax on those whose income depended on trades and professions, and who were assessed by declaration, the demoralising influence of this method of ascertaining income was worse than the unfairness and inequality of the burden. But the most odious feature of all in this scheme of taxation, was the inquisition necessary to assess it; and, as contrasted with indirect taxation, it threw the entire burden upon the settled householder, and left totally exempt the casual visitor, or any one who had no recognised domicile; yet obviously those also benefited by the maintenance of order, and of the social status of the country, and were equally bound to contribute, as they necessarily did do under a scheme of indirect taxation. On these grounds I object to the continuance of the income tax longer than may be absolutely necessary to meet the exigencies of the country, and I am prepared, in consequence, to record my vote for the Amendment of the right hon. Member for Stamford. With respect, however, to the particular appropriations of surplus made by the Chancellor of the Exchequer, I must say, that I entirely approve of the abandonment of the method of assessing houses by the number of windows, and of the substitution of an assessment upon rent. A house tax of this kind is a far preferable direct tax to an income tax, being always paid, as remarked by Mr. Mill, in the direct ratios to expenditure. It is the abandonment of two-thirds of the revenue derived from these sources, that I look upon as unwise. If the Chancellor of the Exchequer had adhered in his budget of Friday, to the rate of one shilling in the pound which he proposed in February, and had carrid his levy down to houses of 10*l.* rent, which is the rate of the franchise, instead of stopping at 20*l.* rents, he would have realised a sufficiency to have enabled him to reduce in the present year his income tax to two per cent, in furtherance of the very principle on which the Motion of the right hon. the Member for Stamford has been framed. With respect again to the discriminating duties on coffee proposed for abandonment, there was in their removal a distinct injustice to all the coffee planters of our colonies, who, under the encouragement of this system, had laid out capital in this particular production. When the discriminating sugar duties were proposed for reduction, the Legislature did not strike off the difference suddenly, and at one fell swoop, but devised a scheme of gradual discrimination, extending over a period of eight years. Why was this principle not adopted for removal of the discriminating duties upon coffee? The conversion of mountain jungle in a tropical climate into a coffee garden, is always a work of large outlay, and the coffee plantation cannot reach its maturity in less than ten years. Well, those who have been invited by our past legislation to expend capital in this particular speculation, have no cause to complain if we deal with them thus summarily. Upon this point, however, (said the hon. Gentleman) another opportunity will be afforded for entering my protest, and I shall defer my observations to that occasion. With respect again to the timber duties, if there were any reason to believe that the result of the reduction of duty would be a lowering of the price of timber, this measure might then be considered advantageous, because carrying with it some compensation to shipbuilders for the disadvantages they have suffered from the repeal of the navigation laws. But timber is not an article that can be produced suddenly to any extent. The supply from Norway and the Baltic cannot be increased until the quarter rents and profits resulting from this reduction of duty shall cause fresh forests to be planted, which in perhaps fifty years may come to maturity. In the meantime the entire difference of duty will go into the pockets of the proprietors of existing forests, the price of Norwegian timber in Great Britain being still regulated as at present by the ratio of supply there to demand. These, Mr. Speaker, are my reasons for thinking the present budget of the Chancellor of the Exchequer, not calculated to satisfy the country, and for giving my vote against the continuance of the income tax, and in support of the Amendment moved by the right hon. Member for Stamford.

Mr. Prinsep

MR. F. PEEL was quite sensible that there were a great many Members in that House whose sentiments upon a question like the present it was of much more importance that the House should be made acquainted with than his own. The right hon. Gentleman the Member for Stamford stated that they had to make their option between his plan and that of the Government; but as the conclusions to which he (Mr. Peel) had brought his mind, after giving to the subject the best consideration of which he was capable, obliged him to dissent from the Amendment of the right hon. Gentleman, while at the same time he was far from being able to express unqualified approval of the financial policy of Her Majesty's Government, he hoped he might be permitted to state very shortly the grounds on which he rested the conclusions to which he had brought himself; and to modify the vote he should give on that occasion. In the first place, under what circumstances had the proposition for a renewal of the income tax been brought before them? The Chancellor of the Exchequer told the House on Friday that he wished to abide by the estimates he had made in his first financial statement; and it would be in the recollection of the House that the right hon. Gentleman estimated the probable income of the then ensuing year, now the current year, namely, that ending on the 5th of April, 1852, speaking in round numbers, and setting aside the income tax, at 46,750,000*l*., and that he estimated the expenditure for the same period at 50,250,000*l*., leaving a standing deficit of 3,500,000*l*. It was true this deficit underwent a considerable diminution in the course of the present year, for the right hon. Gentleman was able to take credit for a half-year's income tax and a half-year's produce of the stamp duties for Ireland, bringing the deficit down to a sum of about 847,000*l*.; and it was for the purpose of repairing this deficit in the course of the present year, and the deficit of 3,500,000*l*. in future years, that the right hon. Gentleman asked the House to consent to the reimposition of the income tax for a period of three years. Now he had no hesitation in saying he was favourable to the principle of an income tax, because it combined a system of direct with indirect taxation, which he thought was the best means of making the wealthier classes of this country contribute in a manner proportioned to their means to the revenue of the State. He did not think that the balance or equilibrium which ought to be maintained between these two systems of direct and indirect taxation was disturbed by the imposition of an income tax. He was aware that property was required to bear very considerable direct impositions in the shape of assessed taxes, and in the shape of local taxes; and, on the other side of the account, no man could be more sensible than he was of the immense advantages which the labouring classes had derived from the recent commutations in our fiscal, financial, and commercial system. No man could be more deeply impressed than he was, or more ready to avow on every occasion, the immense stimulus that had been given to the manufacturing industry and commercial enterprise of this country by the remission of those duties that weighed with undue severity on what were called "the springs of industry," and on the sources of employment. What had been the extent and magnitude of these changes? In the course of nine years, from 1842 to 1850, they had removed taxation upon their home manufactures, upon the raw material of their manufactures, and upon the food of the people, to no less an extent than 10,500,000*l*. Gentlemen might see it for themselves in a return moved for by the hon. Member for Liverpool. Had that great remission of taxation been attended with any corresponding diminution in the produce of the great branches of revenue under which those duties, supposing they had remained, would have been paid? So far from that, the produce of the Customs and Excise was now, in 1851, as large as it was in 1842, before they commenced these great changes. In 1842 the produce of the Customs and Excise was 36,140,000*l*.; in 1849, 37,271,000*l*.; and in 1850 (he was speaking of the gross produce of these two heads of the revenue, without deducting the cost of collection and other charges thrown on their produce in its way to the Exchequer) it amounted to 37,365,000*l*. So that, so far from a reduction to the extent of 10,500,000*l*., as might have been expected, there had been a positive increase of 1,200,000*l*. A simple fact of this kind spoke a language more forcible than any that could flow from the most gifted lips in that House. It told them of extended fields of employment and of industry, of an increased amount of wages placed at the disposal of the working classes, and of the increased command which they had acquired over the comforts, conveniences, and necessaries of life. But there was another test. They were able to ascertain correctly the increased and increasing amount of the industry of the country expended on the production of articles intended for the foreign consumer; and what was the case with the foreign trade? From 1835 to 1842 the foreign trade of this country remained nearly in a stationary condition, the average annual amount of the declared value of our exports being 49,500,000*l*. In 1842 commenced the great change in our commercial legislation. From that period down to the present there had been a rapid and progressive increase in the declared value of our foreign trade. In 1843 it was 52,250,000*l*.; in 1847, 58,750,000*l*.; in 1849, 63,500,000*l*.; while in 1850 it exceeded 71,000,000*l*. But, while he made all these concessions, the House should bear in mind that we still raised an enormous amount of revenue by means of indirect taxation; and taxation which was indirect, to be productive to the revenue, must be laid on the chief articles of subsistence of the people. The produce of the Customs revenue, for example, was 22,000,000*l*.; and it was to be remembered, that of that large sum 20,000,000*l*., or no less a proportion than 10-11ths, was produced by the duties laid on seven articles alone, articles used by the great mass of the people. Take tea, coffee, sugar, spirits (he meant colonial and foreign spirits), wine, tobacco, corn—for, though the duty on corn was only a nominal one of 1*s*., yet so great was the demand and consumption of corn, that the nominal duty produced no inappreciable amount of public revenue — those seven articles realised 20,000,000*l*. out of the 22,000,000*l*. produced by the Customs. He did not know how many other articles there were in the tariff—some hundreds, perhaps—but they hardly paid the cost of collecting the Customs revenue. And this would always be the case. They might put back into the tariff those 450 articles that were struck out of the tariff by the Act of 1845, but they would find that they would barely pay for the cost of their collection. What was the inference he drew from all this? That if they were not to have direct taxation to the extent of 5,000,000*l*., as now proposed—if they were to raise all that they required by indirect taxation—then they must impose that indirect taxation on one or more of the articles which formed the chief subsistence of the people.

They must, in fact, reverse the principle of their recent commercial legislation, and revert to that system of protection which for so long a time was permitted to check and retard the growth and development of the resources of the country. But, let the advantages of the income tax be what they might, the right hon. Gentleman the Member for Stamford would prevent them from taking any such considerations into account. He would stop them at the very threshold of their inquiry, because, as he said, the faith of Parliament was pledged to discontinue the income tax at the expiration of the limited period for which it was granted. The right hon. Gentleman said he was willing to allow them just as much as was sufficient to bring the income to the level of the expenditure; but this he could not do without doing violence to the principle of his Resolution, which went to the extent that the income tax was granted and renewed for temporary purposes and for a limited period; that Parliament was bound to abide by its declared intentions; and that it could not abide by those intentions unless it abolished the income tax. Now, he (Mr. Peel) begged to put in a preliminary objection against the supposition that Parliament could enter into any compact with the people, fettering the discretion of some future Parliament on the subject of finance or any other subject, and binding it not to entertain a proposition for raising any portion of the public revenue in such a manner as might be in harmony with the condition of the country, and, if necessary, by means of an income tax. A very similar argument was urged in 1842 against the imposition of any income tax. It was then said that an income tax ought to be reserved for the great emergency of war; that it was a proposition never heard of and never entertained in time of peace; and that it should be reserved for those great occasions when our relations with foreign countries might be broken off altogether, or temporarily suspended. The answer made to the argument then, was applicable to the Resolution of the right hon. Gentleman now: and it was to this effect: Let each Parliament judge and decide for itself what the exigencies of the public service required, and if it thought that, in order to maintain the credit of the country and the establishments of the country in a proper state of efficiency, it was necessary to impose an income tax, then let not Parliament be deterred from doing its duty by those fallacious and delusive arguments about some imaginary pledge having been entered into, binding and controlling its freedom of action. Away then with that miserable plea of exception to the power and jurisdiction of the Legislature! But he was not at all prepared to admit the fact involved in the Resolution of the right hon. Gentleman; and still more did he dispute the inference which the right hon. Gentleman drew from that fact. The right hon. Gentleman spoke of the declared intentions of Parliament, and he quoted extracts from the speeches of individual Members, of which he would only say that they were very indecisive of the point raised by the right hon. Gentleman, and by no means appeared to support the conclusion to which the right hon. Gentleman had somewhat hastily arrived. He (Mr. Peel) certainly expected, when the right hon. Gentleman spoke of the declared intentions of Parliament, that he would have been able to show some act of the Legislature which would have spoken in an authoritative manner the collective sense of the Legislature on the subject. He (Mr. Peel) wondered the right hon. Gentleman did not refer to the proceedings in Parliament in 1816. It would be remembered that in that year a proposition was brought forward by the late Lord Bexley, then Mr. Vansittart, the Chancellor of the Exchequer, for the reimposition of the income tax. That proposition met with great opposition, the chief strength of which lay undoubtedly in the fact that it was the common understanding throughout the country that the income tax was not to be renewed at the termination of the war, and after the conclusion of the treaty of peace. The arguments urged by the Opposition were similar to those now used by the right hon. Gentleman, and extracts were quoted from the speeches of individual Members. But it was successfully contended that Parliament was not bound by those unguarded statements of former Ministers; and the Government opposed the acts of those Ministers to their language, and showed that Mr. Pitt, Mr. Addington, Lord Grenville, and successive Ministries, had, in fact, mortgaged the produce of the income tax for several years after the peace for the purpose of repaying the loans which had been advanced on the security of the income tax. But yet the Opposition triumphed: the proposal of Mr. Vansittart was rejected, and the income tax was discontinued. And why? Because the Opposition was able to appeal to a clause in the Act of 1803 which imposed the tax, which declared that it was to be continued only so long as the war lasted, and that after the war the tax was not to be renewed. That was the decision of Parliament deliberately declared; and from that undoubtedly had arisen the general understanding which then prevailed that the tax was to be discontinued. The right hon. Gentleman had produced nothing at all analogous to that; and he (Mr. Peel) could not take the speeches of any hon. Members in that House as a legislative expression of the intentions of Parliament. But, as he (Mr. Peel) had said, he disputed the inference which the right hon. Gentleman had drawn from the fact of a pledge, assuming that there was one. The right hon. Gentleman spoke of temporary emergencies, referred to the expense of the Chinese war, and dwelt upon the necessity of remedying some financial blunders of the Administration that retired in 1841; but he did not say that those were the grounds upon which the Government rested their application to Parliament for the reimposition of the income tax. But whatever the right hon. Gentleman might or might not say, he (Mr. Peel) would confidently say that the real principle of the financial policy of the Government of 1841, which was shown in their budget of 1842, of 1845, and in all their budgets, was this, that by means of an income tax Parliament should enable the Government to take off taxes infinitely more oppressive, infinitely more burdensome, and infinitely more vexatious, than the income tax which they asked to be imposed. The principle of the financial policy of the Government of 1841 was this, that by means of an income tax Government should be enabled to effect a great reform in the commercial tariff of this country. And what was the object of that reformation? It was, in the first place, to take off the duties imposed on the food of the people; and, in the next place, to abolish the duties on raw materials employed in manufactures; that policy was acted upon with great vigour and amplitude of design, but he could not say that it had as yet been brought to a conclusion. He could not say that the policy which took off the duty from sheep's wool and cotton wool, upon the express ground that those articles formed the raw material of the chief staple manufactures of the country, was completely carried out while there remained a heavy protective differential duty of nearly *5d.* a cubic foot upon foreign timber. He could not say that the policy which took off the import duty on sugar on the ground that it formed one of those articles which entered into the subsistence of the mass of the people was completed, while there remained a duty of *2s.* $2\frac{1}{2}$*d.* per pound upon the importation of tea, a duty of from 200, 300, to 400 per cent upon the low-priced teas, which were consumed by the lowest class of the people. Still less could he say that the policy which took off the Excise duty upon glass, on the express ground that it imposed unnecessary restrictions on the manufacture, and impeded the development of that branch of the home trade, was complete, while there remained a duty upon an article characterised by Adam Smith as one of four necessaries of life which in his time were taxed by the British Government—an article which might be made to form a very important commodity of foreign traffic, which entered into a great variety of manufacturing processes in this country, and which, if it were not, ought to be a universal detergent—he meant soap. If these were the temporary exigencies to which the right hon. Gentleman referred, he (Mr. Peel) could not say that such temporary exigencies had as yet passed away, and therefore he could not vote for a Resolution which required him to say that they had. He should, on the contrary, vote for an income tax which would enable the Government to make progress in completing this policy of reform. And this brought him to consider what were the inducements held out by the Government to obtain the consent of the House to renew the income tax? They were threefold: they wanted to repair a deficit, to retain a surplus, and to remit taxation. As to the first point, of repairing a deficit, there was certainly an advantage in discussing the question now as compared with an earlier part of the Session; because, when the Chancellor of the Exchequer made his first financial statement, they would have been obliged to assume, on the credit of the Government, the correctness of the estimates of the expenditure of the year: and yet the Chancellor of the Exchequer scrupulously avoided entering into any explanation tending to show that it was impossible to bring down the expenses to the level of the income of the country, instead of raising up the income to a level with the expenditure. The House, however, had since been in Committee of Supply; and money votes had been agreed to which justified the Government in asking for a renewal of the income tax, otherwise there would be a deficit of 847,000*l.* With respect to the necessity of retaining a surplus, he agreed with the hon. Member for Montrose, that economically there was no gain to the public in continuing to pay a tax on soap or on timber for the purpose of applying it to the reduction of the national debt, because such taxes took out or kept out of the pockets of the public much more money than they brought into the Exchequer, and for that loss the public would receive no compensation whatever. At the same time, so great were the moral advantages resulting from the exhibition of a determined resolution on the part of the House of Commons to redeem at least a portion of the enormous amount of debt which the country owed, that they were sufficient to induce them to make great sacrifices in order to obtain those advantages. Not that he shared in the apprehension felt by those who thought that public opinion would end in repudiating the just obligations of the nation: they had a security against that, he thought, in what was stated by the Chancellor of the Exchequer the other night—that five-sixths of the fundholders were persons who received dividends not exceeding 50*l.* per annum. The right hon. Gentleman might have stated a fact still more striking than that. It was shown by the statistical papers laid before the British Association at Edinburgh last year, that of the twelve classes into which the fundholders were divided, according to the amount of dividend received by them, a considerable diminution in the number of fundholders had taken place between the year 1831 and the year 1848, in every one of those classes except one; and what class was that? Why, the class of persons who received dividends not exceeding 5*l.* a year. This was a proof not so much of the fact that the working classes were making accumulations of money, as that they regarded the public debt as a secure fund in which to invest their savings. But no doubt the great point of attraction in the financial scheme of the Chancellor of the Exchequer was the remission of taxes which he proposed. He (Mr. Peel) had nothing to say about the equalisation of duty on foreign and colonial coffee, or about the reduction of half the protective duty on foreign timber. Probably the Chancellor of the Exchequer could not have put his finger upon two more fitting articles in the whole range of the customs tariff, on which to reduce taxation. But the loss of revenue upon them would be small indeed as compared with the loss which the proposed abolition of the window duty would occasion. And it was with respect to that point of the financial arrangements of the Government that he (Mr. Peel) was able to give them only a qualified and hesitating support. He should have thought the Chancellor of the Exchequer might have been contented with removing every objection to levying a duty upon house property on sanitary and architectural grounds, by raising the tax, not according to the number of windows the house contained, but according to its annual letting value. But the right hon. Gentleman was not contented with making that change; he proposed abandoning a lage amount of the tax, first of all to the extent of 750,000*l.*; and now to the extent of 1,150,000*l.* No one could say that that remission of taxation would be directly for the benefit of the working classes. It would benefit only the occupants of the better description of houses, some 400,000 out of 3,500,000 which existed in the country. The right hon. Gentleman quoted in support of his proposition the authority of Mr. John Mill; but what did Mr. Mill say? Why, that the house tax was one of the fairest taxes that could be imposed; for this reason, that it was paid by persons in proportion to their power of expenditure. Well, every one knew that a man's expenditure was a much better test of his pecuniary ability than the amount of income. Many men might have a nominal income far beyond the amount of what they had the power to dispose of. They had heard of the injustice of the mode in which the income tax was at present raised; and he (Mr. Peel) thought that no one would deny that there was an immense difference between a life income and a permanent income—between an income which a man enjoyed as long as he lived, and which then went to his descendants, and an income which depended upon the tenure of his own fleeting life. Still more was there a distinction between a permanent income and an income that depended upon contingencies more precarious than life itself, namely, upon fortune, health, reputation, and employment. It should be remembered that a man who stood in the latter position was bound by every consideration of duty, and by every dictate of prudence and foresight, to lay a portion of his income, not only to provide for those who were to come after him, but also to make a provision for himself in his old age. And this being so, what was the proposition of the Chancellor of the Exchequer? Why, he asked them to impose an income tax in an unequal and unjust manner, and which would prevent these provident steps being taken, in order that he might, with the produce of that tax, remit another tax, also a direct tax, the window tax, which was paid by persons, according to the authority of Mr. Mill, in proportion to their expenditure—the very point at which they wanted to arrive by their modification of the income tax. He could not see the justice of such a proposal, and it was to this point that he wished to advert when he said that he could not concede his unqualified assent to the proposition of the right hon. Gentleman (the Chancellor of the Exchequer). At the same time he looked upon the income tax as a great lever for elevating the moral and social condition of the people of this country; and, believing there was open before them a long career of progress in that path of social improvement upon which they had entered, he should be most loth and most reluctant to abandon that instrument by which so much good had been effectuated. His belief was that, if further good were really to be accomplished, it must be by the retention of the income tax. He allowed that there had been a great pressure upon the Government; but he could not say that they had made the best use of the opportunity for the reimposition of the income tax. Their task was not a difficult one. They had but to follow out upon a larger, a broader, and a more comprehensive scale, the principles of the system, commercial and financial, which was inaugurated in the year 1842. If they did so, they would find that now, as then, they would open up new channels for the industry of the country, new avenues to wealth and prosperity; they would widen the area of our foreign markets, they would bring within the reach of the poor an increased amount of the comforts of life, and diffuse peace and contentment over the country, such as would range the working classes on the side of order and good government, and give increased strength and stability to its institutions, which he (Mr. Peel) valued, not for themselves, but for the advantages and blessings which they enjoyed under them.

MR. T. BARING had listened, as no doubt the whole House had done, with pleasure to the speech of the hon. Gentleman who had just resumed his seat. As the right hon. Gentleman the Chancellor of the Exchequer had made some personal allusions to him, he (Mr. Baring) could not refrain from offering a few observations to the House. The remark he made the other evening was, that he believed the Government, with every desire to keep a sufficient surplus, was compelled, from their weakness, to give way to a pressure from without. When the right hon. Gentleman brought forward his first financial statement, he said that he could not imagine any Chancellor of the Exchequer facing the financial year without having a surplus of a million sterling. He told them that the real sum he had to deal with would be only 612,000*l.*—a sum so small that he was ashamed to give it the name of a surplus, but that it had been diminished by the concessions he had been obliged to make to the owners and occupiers of land, amounting to 180,000*l.* Six weeks afterwards he came with another reformed Budget, sweeping away the 180,000*l.* he had proposed to give for the relief of agricultural distress. One would suppose that his surplus was increased by such an abandonment; but instead of that it was reduced to about 300,000*l.*, and it must be inferred that the right hon. Gentleman had been compelled from weakness to yield to the pressure from without. He would have passed by the speech of the Chancellor of the Exchequer; but when he found from the speeches of the right hon. Gentleman's supporters, that it was not so much the Budget as to which importance was given, as the speech of the right hon. Gentleman, and that they were to look to the maintenance of public credit by the extent of the relief given to the people from taxation, he did think he was justified in saying that the Government had made concessions in consequence of the pressure upon them from without, which they would not otherwise have made. The noble Lord (Lord J. Russell), in his remarks upon his (Mr. T. Baring's) speech, taunted him in a no very courteous manner with having supported Sir R. Peel's Government, which was satisfied with a much smaller surplus. That was true; but Sir R. Peel was content to have a small surplus, because he was confident the House of Commons would make it good, if necessary, in order to prevent any injury to the public credit. He (Mr. T. Baring) had therefore confidence, not only in the intention but in the ability of Sir R. Peel to make good any deficiency, because that right hon. Gentleman was at the head of a strong Government and of a strong party. He (Mr. T. Baring) had had the same confidence in the intention of the noble Lord; but when he (Mr. T. Baring) heard the sentiments of his supporters, he had not the same confidence in his power. He was one of those who entertained rather the antiquated opinion that it was most important to have a large surplus. He was sorry to hear the hon. Gentleman who spoke last express a somewhat different opinion. He believed it was necessary for the public credit, for the maintenance of their influence abroad, and their position at home. He could not, therefore, he confessed, agree with the right hon. Gentleman the Member for Stamford (Mr. Herries) in reducing the amount of the surplus so much as he proposed to do. To his Resolution, however, he assented, without admitting the propriety of the reduction. One right hon. Gentleman was satisfied with a surplus of 380,000*l.*; one wished to take off the window duties, and the other the income tax. He believed that the reduction of the income tax would be better, as affording increased employment to the people, while abolition of the window tax was a partial and a class measure. The right hon. Gentleman said that his great object was to relieve the masses. But how could he support the abolition of the window tax upon that principle? The Chancellor of the Exchequer said, that he objected to the imposition of the income tax originally, on the ground that it was unnecessary to make up the deficiency; but now he thought it quite necessary to impose it for the purpose of enabling the House to reduce other taxes. Now, it was impossible to reconcile the reasons assigned by the right hon. Gentleman for originally objecting to the income tax with his declared opinions in favour of a surplus, because, certainly, nothing was more necessary to the maintenance of public credit than making good a deficiency. The Chancellor of the Exchequer admitted all the objections urged against the unequal operation of the income tax; but he said that its justice consisted in this—that it was unjust to all. Never was such a justification of a tax heard in the House of Commons before. As well might it be said that no one was entitled to complain when all were injured. Was ever such a declaration heard from a Chancellor of the Exchequer? The income tax was not only unjust, but the cause of much fraud being committed. It was his fortune to belong to the commercial class, and he could not look at the returns made under Schedule D without being convinced that the grossest frauds were committed. It appeared from the returns that since 1846 there had been a diminution in the amount of incomes under Schedule D of 6,000,000*l.*; and since the year when the tax was first proposed, there had been a diminution of 8,000.000*l.* This result placed the Chancellor of the Exchequer in this dilemma—either the recent commercial policy had failed to increase the profits of trade, and the incomes derived from professions, or the greatest frauds were practised. If evidence were wanted to condemn any tax, it would be found in the fact that it was paid by the honest man, while the dishonest man evaded it, It was not his intention to trouble the House with many observations on the Budget, but he could not help expressing his conviction that, without a surplus, the country would not be safe. Upon this point he found himself unable to agree with the hon. Member who spoke last—although great authorities might be cited in favour of the "fructifying principle"—that the security to the public creditor would be as good if money were left in the pockets of the people as if it were taken from them to constitute a surplus. The public creditor was desirous to see his debtor willing as well as able to pay. It would not satisfy him (Mr. Baring) to be told that a man who was indebted to him was making a good use of his money, and therefore he ought not to expect to be paid. He wished to see evidence of a desire to meet the engagements to which the national credit was pledged. The example would be beneficial to the morality of the country. The hon. Gentleman who spoke last had ably stated his opinions upon what had passed since 1842, and in much that had fallen from him, he (Mr. Baring) concurred. He also fully admitted that if the property and income tax could be made a just tax, then that it might fairly be resorted to as a means of maintaining the balance between direct and indirect taxation. He was also prepared to admit that the tax was suited to a great emergency; not war alone, but also to such a state of things as it was originally intended to meet; for there could be no more dangerous emergency than a deficiency. It was to supply a deficiency that Sir R. Peel's Government proposed the tax in the first instance.

When the hon. Member for Leominster (Mr. F. Peel) spoke of the great increase of exports between 1842 and the present time, he seemed to forget that the former year was a period of great distress. It was not fair to compare one year with another without taking into consideration every important particular connected with each. It was also necessary to observe that increase of exports must not always be taken as proof of prosperity. He admitted that to a certain degree the former might be taken as evidence of the latter; but we should recollect that we have had great distress existing at a time when we have also had great exports. When the country was in much distress, as in 1847 for instance, great exports were resorted to for the purpose of raising money at an enormous sacrifice. Taking all the circumstances of our financial position, it was to him a matter of regret that the Government had not retained the whole of the surplus, and proposed the continuance of the property and income tax for one year. This would have afforded an opportunity for ascertaining whether it would not be possible to deprive the tax of its unjust bearings, and, if so, it might have been renewed in an amended shape at the end of next year, for the purpose of enabling the Government to reduce taxation generally, or to mitigate the burden of the income tax, or diminish the amount of the national debt. There was a weak point in the Chancellor of the Exchequer's case to which he would briefly advert. If the right hon. Gentleman were really as confident as he professed to be that the great interests of the country, with the exception of agriculture, were in a flourishing state, and that agriculture itself was labouring under only temporary distress, he certainly might rely on a larger future income than he took credit for. If, on the other hand, the Chancellor of the Exchequer founded his anticipations of increased prosperity merely on the approaching Exhibition, or other temporary causes, to be followed by a contrast such as appeared between 1846 and 1847, when the ordinary revenue declined to the extent of 2,000,000*l.*,—then it behoved the Government not to blink the question, but to pause before they reduced taxation. The Chancellor of the Exchequer the other evening entreated his friends on the benches behind him not to propose the reduction of small taxes, because, he said, their doing so would prevent him from reducing the duties on articles of consumption, such as tea, for instance. Did the right hon. Gentleman imagine that if he went on giving up the window tax one year, and some other tax the next year, he would ever be able to reduce the duty on tea? He agreed with the hon. Gentleman that it might perhaps be worth while to keep up the income tax if it would enable us to reduce the duty upon tea to 1*s.* on the pound; but the revenue derived from the article of tea being about 5,000,000*l.*, we should be prepared by such a reduction in the duty for a deficiency of about 1,500,000*l.* at first. He, however, believed that there would be such a gradual increase in the consumption of the article, that ultimately the revenue would be placed in the same position in which it originally stood. That then would be, perhaps, a wise step to take, and it would be one which would be in perfect harmony with the opinions expressed by the right hon. Gentleman himself. But he (Mr. Baring) did not say that he took such a course if he persisted in his determination to abolish the window tax. Whether we have a surplus or no surplus, those Gentlemen opposite, who ostentatiously call themselves the friends of the people, are never prepared to take off the duty on that great necessary of life —tea. Here was a duty of 300 per cent upon an article that entered into the consumption of all classes, from the palace to the hovel. And why was it not reduced by the present Government? Because they say, forsooth, that it was not a protective duty, as the right hon. Gentleman told the House the other night. Her Majesty's Ministers will not reduce the duty on tea, because it was not a protective duty, and yet it was an article that entered into the consumption of every person. The "ploughboy who treads the heavy clay soil" would drink it if he could get it. The "shepherd on the barren hill" was fond of it. Even the "soldier who returned to England from abroad" would have his cup of tea if the duty did not prevent him. Gentlemen, and right hon. Gentlemen too, could indulge in affected and exaggerated sympathy for the people for a special party purpose, and employ language which might be supposed capable of intimidating political opponents, but they avoided calling for a repeal of the tea duty, and he could tell "the reason why." It was because the reduction of the duty upon tea would be a benefit to all, and no injury to any class—because it would depreciate no British property—because it would sacrifice no British capital—because it would not reduce the wages of any British labourer; that was the reason that the Government declined to propose any reduction of the duty on tea, but advocated the utter abolition of the tax upon windows. With these views, he felt it impossible to support the policy of his right hon. Friend the Chancellor of the Exchequer. He saw in it nothing comprehensive or large in its application. He saw no justice in it for the only suffering class, whose distress was admitted by the Government themselves. Believing as he did that the proposition of the right hon. Gentleman was of a most partial character, and not one for popular purposes, nor for the benefit of the country, he would vote for the Amendment of the right hon. Gentleman the Member for Stamford, being of opinion that it would be much better for the people generally that the income tax should be reduced, than that the window duties should be abolished.

Mr. J. WILSON said, he could quite understand the hon. Member (Mr. Baring) not supporting the plan of the Government, but could not comprehend the hon. Member supporting that of the right hon. Gentleman opposite (Mr. Herries), for the reasons which the hon. Member had given for rejecting the Government plan told equally against the Amendment. The hon. Member had said, that the Chancellor of the Exchequer had, in 1842, declared that he opposed the income tax because it had been proposed to make up a deficiency in the revenue, but that he would have supported it if it had been proposed in order to reduce more objectionable taxes. What his right hon. Friend the Chancellor of the Exchequer had stated was, that although he had an objection to an income tax, yet he would have been willing to vote for the tax if it had been to repeal the monopolies in sugar, timber, and corn. The hon. Gentleman had also said, the reduction of the duty on tea was resisted, because it was not a protective duty. It was so; and he (Mr. Wilson) thought justly so; for this reason, that in the case of tea, or any other duty not protective, all that the public paid went into the Exchequer; whereas in a protective duty a portion only found its way there, the rest finding its way into the pockets of persons for whom it was not intended. Notwithstanding the caution of the right hon. Gentleman (Mr. Herries) to prevent the question from being considered one of protection, subsequent speeches had shown that it was so considered. The right hon. Baronet the Member for Ripon had rightly said, on a former occasion, that the object of a similar Motion was to reverse a policy which the House had pursued for ten years; and he (Mr. Wilson) was justified in saying so of the present Motion likewise, because the question, if put before the House practically, was, whether there should be a direct tax on income, or whether there should be a return to import duties. No one could deny that, during the last ten years, the policy had been to repeal first protective duties, then excessive duties on imports, and then duties on raw materials. For this purpose the Government of 1842 professedly asked the House to adopt the income tax; and on those grounds he asked the House to consider the question. It was a struggle between the two great principles; on the one side there were a large and important party trying to maintain protective duties, and reimpose import duties which had been repealed; and on the other hand, there was a party desirous of farther following out the policy which had been for ten years pursued with so much success. A great deal had been said on the subject of direct and indirect taxation. It had been said, it was dangerous to rely too much on direct taxation. But hon. Members who spoke thus could not be aware of the proportion which direct taxation bore to indirect in other countries. There might be danger in depending entirely, or even mainly, on direct taxation; a large portion of the people, the working classes, it would be impossible to reach by any direct tax, while they ought to contribute to the revenue in return for the protection they enjoyed in their persons and their labour; and he also admitted that there were many articles on which an indirect tax might properly be levied, provided it was not of a protective character, nor excessive. But while in this country the proportion of direct to indirect taxation was only 10,000,000*l.* out of 50,000,000*l.*, or only 20 per cent; in France it was 35 per cent; in Belgium 37 per cent; in Holland 35 per cent; in Prussia 37 per cent. That is to say, in this country, out of 50,000,000*l.* of revenue, 10,000,000*l.* were raised from direct taxation, and the remainder, 40,000,000*l.*, from indirect taxation, or duties of customs, stamps, or excise. He did not think this at all a dangerous proportion. For the last twenty-five years there had been several experiments in taxation. In the few observations which he intended to make to the House, he should endeavour to call their attention to the experience of the country for some years past, for the purpose of coming to some satisfactory conclusion as to the description of taxation which was best suited for the interest and advantage of this country. For the last twenty-five years we had had various experiments in the way of taxation. We began with Mr. Huskisson, who commenced his career of experiments in 1823. From 1823 to 1830, Mr. Huskisson for the first time adopted that policy (which had been since followed by the late Sir Robert Peel) of reducing taxes upon raw materials of manufacture, and upon the chief necessaries of life, to an extent of no less than 11,000,000*l.* In 1823 the net income was 52,755,000*l.* In 1829, it was 50,786,000*l.*; so that it had then recovered the loss so sustained by that reduction of taxation within about 1,900,000*l.* From 1830 to 1841 the same system had been pursued, and taxes had been reduced to the extent of 8,437,793. There was, however, a deficiency in 1841 of 2,080,000*l.*; so that the gain was only about 6,000,000*l.* He was bound to admit, indeed, that the system pursued during that period, from 1831 till 1841, was not beneficial to the trade or the finances of the country; for during that period the exports and imports were nearly stationary, the increase not being greater than arose from the natural increase of population. He would take the official value, as being, though not the best criterion of real value, the best test of comparative quantities, and the only measure in which they can be reduced into a common quantity. The official value of imports was—

In 1830	£46,200,000
In 1842	64,200,000
Increase in twelve years	£18,000,000

Being at the rate of 39 per cent on the twelve years, or 3¼ per cent per annum, or double the increase of the population. The declared or real value of exports was—

In 1830	£38,250,000
In 1841	47,000,000
Increase in twelve years	£8,750,000

Being at the rate of 23 per cent on the twelve years, or 2 per cent per annum, or little more than the natural increase of the population. It would be seen how unsatisfactory were the results of the financial and commercial policy pursued during that period, when he stated that in the last five years of it, ending in 1842, the debt had been increased by 7,778,000*l.*; the balances in the Exchequer reduced from 5,993,000*l.* at the commencement in 1830 to 3,653,000*l.* at the conclusion in 1841; the deficiency at the close of the period being 2,340,000*l.* He found that from 1837 to 1842 there was an annual deficiency of revenue amounting in the whole period to no less than 8,709,121*l.*, the deficiency in the year 1842-3 alone being estimated at 2,500,000*l.* He begged the attention of the House to the fact, that of the 8,437,793*l.* of taxes remitted from 1830 to 1841, only 750,673*l.* were reductions of Customs duties. Very remarkable was the contrast to all this presented in the results of the course pursued during the years from 1842 to 1850, during which period the object of the policy pursued was to reduce import duties, and especially on raw materials and articles of general consumption. Taxes had been during that period reduced to the extent of 10,251,294*l.*, of which the Customs duties amounted to no less than 8,218,958*l.*; Excise duties, 1,434,280*l.*; and Stamps, 598,056*l.* In 1841—and he took that year instead of 1842, because the latter was a year of depression—the result had been that—

In 1841 the Customs duties produced	£21,898,000
In 1850...	20,442,000
Decrease......	£1,456,000

While the reduction of Customs duties effected in that period amounted to 8,218,958*l.*

In 1841, Excise duties produced ...	£13,678,300
In 1850...	14,316,000
Increase......	£638,000

Notwithstanding the reduction of Excise duties amounted to 1,434,280*l.*

In 1841, total revenue	£48,084,000
In 1850, ,, ...	52,810,000
Increase......	£4,726,000

If from this increase be deducted the income tax receipts—amounting to 5,500,000*l.*—a net loss would be exhibited of only 774,000*l.*, while the reduction of taxes amounted, as he had shown, to 10,251,294*l.* The financial results of the policy were not less striking. Not only had the national debt been reduced, but the balances in the Exchequer had increased, as the following details which he would read would show:—

Taxes reduced		£10,251,294
Reduction in debt		4,221,000
Balances in Exch. 1841	£1,390,000	
,, ,, 1850	9,245,000	
Increase		£7,855,000
Deficiency Bills, 1841		£6,606,000
Balance in hand, 1850		1,012,000
Difference in favour of 1850		£5,594,000

These results were striking, but the following were yet more so:—

Official value of imports, 1842	£64,300,000
,, ,, 1849	105,800,000
Increase	£41,500,000

In other words, an increase of 64 per cent in the seven years, or 9 per cent per annum, or about six times the rate of the increase of the population.

The real value of exports, 1842	£47,000,000
,, ,, 1850	70,000,000
Increase	£23,000,000

That was to say, 50 per cent in the eight years, or 6¼ per cent per annum, or at four times the rate of the increase of the population. He wished to direct particular attention, however, to the increase which had taken place in the shipping during that period.

In 1842, total tonnage (inward and outward)	7,347,000 tons.
In 1850	12,020,000 ,,
Increase	4,673,000 tons, or 63 per cent.

Let the House now contrast the results of the different lines of policy pursued in the two periods he had adverted to, between 1830 and 1841, and between 1841 and 1850:—

Taxes repealed, first period	£8,437,000
,, second period	10,251,000
Recovered in the first period	£6,437,000
,, ,, second period	9,477,000
Increase of national debt, first period	7,778,000
Decrease of debt, second period	4,221,000

Notwithstanding the 10,000,000*l.* added in consequence of the Irish famine.

Balances in Exchequer, end of first period	£2,340,000
Balances in Exchequer, end of second period	9,807,000
Deficiency of Income over Expenditure at end of first period	2,500,000
Surplus at end of second period	2,500,000
Increase of imports, first period	18,000,000
Ditto ditto second period	41,500,000

Being at the rate of 39 per cent during the first period, and 64 per cent during the second; or 3½ per cent during the first period, and 9 per cent during the second; or double the rate of population in the first period, and six times in the second. During the first period the exports increased 8,750,000*l.*, during the second 23,000,000*l.* the increase in the first period being 23 per cent, and in the second 50 per cent, or at the rate of 2 per cent per annum in the first period, and 6¼ per cent on the second, or little more than the population rate in the first period, and four times in the second. In the first period the shipping cleared inwards and outwards amounted to 7,347,000 tons; in the second to 12,020,000 tons, being an increase of 63 per cent. One of the great means relied on by the right hon. Gentleman who had first introduced the present system was the repeal of the duties on raw materials. Well, by reference to papers before the House, it would be found that the whole amount of cotton imported in 1842 was 4,200,000 cwts.; in 1850, 5,934,000; wool, in 1842, 45,000,000 cwts.; in 1850, 74,000,000 cwts.; raw silk, in 1842, 3,365,000 lbs.; in 1850, 4,942,040 lbs.; hemp, in 1842, 585,000 cwts.; in 1850, 1,048,000 cwts.; flax, in 1842, 1,130,000 cwts.; in 1850, 1,821,000 cwts. The cotton had increased 41 per cent, and the population 12 per cent; the wool 64 per cent; silk, 46 per cent; hemp, 80 per cent; flax, 61 per cent. The amount of duties reduced on raw material was 2,500,000*l.* In the same period, the consumption of tobacco had increased 25 per cent; wine, 38 per cent; tea, 38 per cent; spirits, 53 per cent, and sugar, 60 per cent. He also begged the attention of the House to the tranquil state of the country within the last few years, compared with the outbreaks which occurred at Monmouth, Sheffield, and other places just prior to 1842. It could not be said that there had been peculiar causes connected with the political and social condition of the country during the last ten years to account for the success of the free-trade policy to which he had referred; for, during that period we had had a railway mania, which had produced a commercial panic such as had never been known, perhaps, in this country; we had had a famine in Ireland unparalleled in the present century — we had had revolutions all over Europe — all of which causes had interfered materially with the progress of the commerce and trade of the country. He might refer, as another test of the success of the policy to which he alluded, so far as the condition of the working classes was concerned, to the rapid diminution of pauperism. The hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) had taunted his (Mr. Wilson's) right hon. Friend the Chancellor of the Exchequer with his frequent allusions to the poorhouses and pauperism; but he might be allowed to say to the hon. Member, that if he should succeed to power, and could, after occupying the Treasury bench for a few years, point to a considerable diminution of pauperism, and a consequent decrease in the burden of the poor-rate—if he could show that large numbers of the ablebodied poor, who had previously been dependent upon the rates, were fully employed at good wages, as the result of the policy of the Government with which he might be connected, he would have no slight cause for satisfaction. With regard to the income tax, it had been common in the debate on the subject, to refer to it as a war tax; but he could not regard any tax as being peculiarly allotted for any particular emergency, and for that only. It was, he thought, the duty of the House, when they were satisfied that a tax was necessary, to say what tax would best answer the purpose of raising the amount of revenue required. There were other objects of taxation as important as war. It was essential that the inconvenience of even an income tax should be suffered for the purpose of securing the triumphs of peace, surely a more satisfactory object than the carrying on an extravagant war; and he believed that no individuals more than those who now complained of the inequalities of the tax, would, when they came to see the results, be satisfied with the sacrifices they were making. The hon. Member for Buckinghamshire and his friends seemed never to be satisfied with any reduction of taxation unless such reduction was made exclusively for their own interest—altogether forgetting that they were members of a great community, and that the farmers and farm labourers—the small landowners who formed the great bulk of the agricultural community—were as deeply interested in the remissions which had taken place, and were now proposed, as the manufacturers or any other class. They forgot that the articles of general consumption with the rest of the community enter into their consumption also. The hon. Member for Buckinghamshire asked, "Was nothing to be done for the agricultural classes, while they were doing so much for others?" And the hon. Gentleman seemed to think that nothing was done for them unless it was done for them exclusively. He (Mr. Wilson) maintained that, as a body, no class had benefited more from the policy of the last ten years than the agricultural community. No class had benefited more from the remission of duties than the agriculturists. [*Cries of* "Question!" *and* "Divide!"] Why, hon. Gentlemen would not venture to deny that the agricultural community had benefited by the reduction of the duty on sugar, on spirits, and other articles of consumption? and while hon. Gentlemen were so indignant at the large amount of revenue expended in substituting a house duty for the tax upon windows, he believed no class of persons would be more benefited by the change than the farmers and the agricultural body. He admitted that the aggregate amount of the relief would be greater in the large towns than in the country; but he contended that the farmers, and especially the small farmers, would be relieved more, perhaps, than any other single class. For it was clear that that large body of farmers who rented farms under 300*l.* a year each, and whose houses were not rated at 20*l.*, would be relieved altogether; whereas, were the reduction in the income tax, as now proposed, carried out, they would receive but very trifling benefit. Taking, too, the higher class of farmers—those who rent farms up to 500*l.* a year—the saving they would effect by the substitution of the house duty for the window duty would, in the majority of cases, be equal to nearly two-thirds of what they paid to the income tax. He by no means undervalued the agricultural body, nor did he wish to say anything depreciatory of the numerical importance of that interest; but hon. Gentlemen opposite must be aware that each recurring census showed a smaller and a smaller number engaged in agricultural pursuits, and that the greater part of the natural increase in the population of the agricultural districts found its way into the large manufacturing towns. In the year 1811, the agricultural population was 34 per cent of the whole; in 1831 it had fallen to 27 per cent; and in 1841 it had decreased to 24 per cent. From 1831 to 1841, not only had the relative proportion of the agricultural population, as compared with the other classes of the community, decreased, but of ablebodied labourers there were 25,000 persons fewer employed in agriculture in the latter than in the former year. ["No, no!"] Hon. Gentlemen opposite said "No;" he (Mr. Wilson) spoke from the census returns in that House, and if they were disputed, he knew not what test they could employ in arguing any of these questions. If it were as he had said —if they had a constantly diminishing proportion of the population dependent on land—if we were mainly dependent for the employment of the great bulk of our working population on manufactures, commerce, mining, and such like pursuits, was it not for the interest of the country that we should pursue a policy which was best calculated to remove all impediments from those fields of industry in which there was the demand for their labour? The hon. Member for Buckinghamshire had frequently referred to the great territorial principle which ought, he said, to regulate the policy of that House; but, however much that might have been the case in past years, now, when it was found that the population was increasing at a rate far beyond the capabilities of the surface of the land to find employment for it—and that they were compelled to fall back on the mine, the loom, the manufactures, and the commerce of the country, for the means of subsistence, it behoved the House to take care that they placed no impediment in the way of the extension of those pursuits, in which only employment for the massess could be found. But they had been told by an hon. Gentleman opposite that one of the great objects he had in voting for the Amendment was to place import duties on articles of consumption which paid a considerable part of the taxation. If they were to deal with the income tax, and lay a 5*s.* duty on the import of foreign corn, as had been suggested, to make good any deficiency in the revenue which might arise in future years, let him ask hon. Gentlemen who advocated that course to consider on how unstable and unsatisfactory a basis they were about to place the financial system of the country. If they placed a 5*s.* duty on the import of wheat, let them consider for a moment at what cost it would be to the country. He knew that hon. Gentlemen opposite denied that such a duty would increase the price to the consumer to that amount—that was, under all circumstances —but they could not deny that it would do so under some circumstances. And if it did under any, the result would be that they would raise the price of the 80,000,000 quarters imported by 20,000,000*l.* a year to the consumer for the purpose of raising a revenue of 2,500,000*l.* on 10,000,000 quarters of imported corn. But suppose the rise in the price to be only half the amount of the duty, in that case they would be placing a tax on the consumers, the working classes of the country, of 10,000,000*l.* in order to raise 2,500,000*l.* of revenue. But he asked the right hon. Gentleman (Mr. Herries) who had suggested this plan, to consider what he would do—relying, as he would, for his 2,500,000*l.* from this fixed duty—what he would do in years of scarcity? Did the right hon. Gentleman suppose he would be able to raise his revenue from that source in such a year as 1847; and, if he was obliged to suspend his import duty, how would he make up the amount? But did the right hon. Gentleman believe that, with an import duty on corn, he could rely on the same amount of imports as now took place? Let him call the right hon. Gentleman's attention to the fact, that in the twenty-one years from 1828 to 1849, the whole amount of duty collected on wheat was only 12,000,000*l.*, or about 572,000*l.* a year, while the duty during the last two years derived from the nominal duty of one shilling a quarter had been 500,000*l.* a year, being less only by 72,000*l.* a year than during the period of the high protective duty. He was aware he should be told that the duties on the import of corn under the old corn laws were not duties imposed for revenue but for protection, but they were high duties nevertheless, and produced a considerable revenue. Seeing the extent to which the condition of the working classes had been elevated by the policy of the last ten years, he could scarcely believe hon. Gentlemen opposite were sincere when they proposed to reverse it, and so to deprive the great mass of the working population of these countries of the benefits of cheap food, ample employment, and good wages; and he, therefore, confidently anticipated that the House would affirm the proposition of the Government.

MR. BOOKER would not attempt to follow the hon. Gentleman who had just addressed the House through the long labyrinth of statistics which he had quoted; but would endeavour to bring back the debate to its legitimate object by confining his observations to the subject of the Amendment. He should treat the question strictly as a domestic one, excluding from it, as far as he could with propriety, all reference to its bearings on our foreign policy; and he hoped he should be able to impress on that House the deep responsibility they would incur by putting into the hands of the Government the means of pursuing that policy which he believed to be totally suicidal, and during its progress to the present period to have been fraught with danger and difficulty, and which must end in the ruin of every interest in the State. As the representative of an agricultural constituency, he protested against the re-imposition of this inquisitorial and specially unjust tax, as being perfectly iniquitous, and unequal in its pressure. Could they tell his suffering constituents there was any policy or justice in requiring them to pay on losses instead of profits? And when at this crisis of the country's fate they were attempting to legislate for class interests, setting country against town, and town against country, he would ask them whether they had read the returns moved for by Gentlemen on their own side of the House? Did not those returns teach them a lesson, or would they not deign to learn it when they were constantly —he would not say intentionally—endeavouring to cast dust into the eyes of those who were ultimately to decide this question? He referred to the constituencies, and not to hon. Members. He wished to tell the inhabitants of large towns, those who depended for their bread on their daily exertions, they had great cause to complain equally with his agricultural constituents of the most unjust bearing of this tax. He held in his hand a return moved for by an hon. Member opposite (Mr. Moffatt), giving the enumeration of classes taxed under Schedule D, or Trades and Professions, the income on which the duty was charged, and the number of persons by whom it was paid in each class. Did it show the benevolent intentions of the Chancellor of the Exchequer, that the imposts of the country should be borne by those whose wealth would best enable them to bear it? No; it showed that the tax pressed with peculiar severity on the middle classes of society. The number of persons taxed under the Schedule D, relating to trades and professions, was 144,626; the number of persons in that class whose incomes were under 500*l.* a year, was 124,733. Upon that number fell the pressure of this burden, leaving only 19,893 to bear the rest of it. The amount contributed by the whole 144,626 persons was 1,570,000*l.*; and of that amount the 124,733 whose incomes were under 500*l.* a year contributed no less than 661,000*l.* He hoped the constituents of large towns and the inhabitants of thriving streets would understand that; and, if they were to go to the country, that the country would know that that was the question upon which hon. Members were to appear before them. He disdained the paltry claptrap that the distress of the country was occasioned by rent, or that the landed gentry were to be taunted that they had not reduced their rents. It was notorious that rents had been reduced from 20 to 25 per cent. And would they tell him such reductions were a safe philosophy? There was a philosopher equal to any of the hon. Gentlemen opposite, and as competent to grasp this question, and he was of a different opinion. The great John Locke said it was an infallible sign of national decay when rents fell, and the raising of them would be worth a nation's care, for it was in that, and not in the falling of rents, that the true advantage of the public lay. And Locke went on to speculate as to the causes of that falling of rent; it might, said he, be from the exhaustion of the productive power of the soil, or from the disuse of the produce. If, then, they encouraged importation, and set off the exports against the imports, saying that the exports were the result of human labour, he denied the assertion. For, while labourers by millions were leaving our shores for want of employment, the productive power of machinery was increasing to an untold degree. He implored the noble Lord, who, he believed, was interested for the welfare of the country, to look to that great fact, that emigration was going on year after year to an immense extent of the most able set of men, those who had been truly called the very "back bone" of England: concurrently with this, while our productions were increasing as they were, we ought not to put that down to the productive increase of human labour, but rather to the enormous increase which had taken place in our mechanical power—a power which neither ate, nor drank, nor wore. He hoped, therefore, that the policy Her Majesty's Government were recommending, would be scouted from the vocabulary of England. When the agriculturists were taunted with being monopolists, let it be recollected that the object of the free-traders was to become the monopolists of the trade of the world. Their doctrine of cheapness was a doctrine they intended to enforce with the view of beating down the commerce and manufactures of their rivals. They had already by their policy lent themselves to a system which, if fully carried out, would hardly leave the world worth living in, because stimulated and uncontrolled competition would be the bane of England and of the world. However, his great object in rising was to protest against the doctrine that the greatness of England was solely dependent on her trade and commerce. His own personal fortunes were enlisted on the side of trade and commerce; and if they could convince him that the welfare of England could be promoted by solely regarding her commerce, and leaving her agriculture to take care of itself, or rather to thrust it into full and unrestricted competition with the rest of the world, he might indeed be convinced, but he should be grieved at the results they would bring about. He would conclude by referring to the words of one whose loss they already deplored, and whose words were always regarded as the words of wisdom. The late Sir Robert Peel, in 1842, in the very zenith of his power and his fame, said—

> "If you could appeal to us with all the authority of undivided councils; if you could show us it would be for the advantage of England that she should be the workshop of the world—if you could prove to us it would be for her advantage that her country should be intersected with railroads, and that manufacturing and commercial towns should take possession of those fields that hitherto have been the sources of our industry and our wealth, we should deeply regret it. We should still have many happy remembrancers that it was under the system of protection cultivation was carried to the hilltop, and all the blessings we had enjoyed under it had not been antagonistic to, but concurrent with, the development of commerce and manufactures."

The course they had entered on had been falsified; it had utterly failed to bring about those results that had been promised, and, unless checked, he believed it would end in the utter ruin and downfall of this once happy country.

Mr. SLANEY said, that he had derived, both by birth and habit, all he possessed from agriculture, and that he would hesitate before he adopted any line of conduct which, in his opinion, would have the effect of injuring that great interest. He admitted that the change recently made in our commercial policy had been effected too hastily, and that the agricultural interest ought to have been afforded more time to conform to it; but the question now was, whether they would reverse a policy which he firmly believed had upon the whole worked beneficially for the great masses of the people within this realm? Allusion had been made in the course of the Debate to the necessity of having security for the payment of the national revenue; but he thought that increased security for that was afforded by the diminished weight of taxation now borne by the people. Since the peace there had been a diminution of 42,000,000*l.* in the taxation of the country; and this amount had not been taken off the shoulders of the opulent, the noble, and the rich. Almost every tax taken off had been removed either from raw material, or from those articles which entered largely into the consumption of the masses—such, for instance, as salt, wine, tobacco, rum, coffee, hemp, candles, fruits, and spirits. And what had been the consequence of these reductions? Why, that from 1815 down to the present time—a period of thirty-five years—the property of the middle classes had increased from 53,000,000*l.* to 94,000,000*l.* a year, the land alone having increased from 34,000,000*l.* to 42,000,000*l.* From 1815 the increase of population had been 50 per cent; that in the rural districts being nearly 32 per cent, and that in the great towns 96 per cent. The legacy duties showed an increase from 24,000,000*l.* in 1815, to 45,000,000*l.* in 1845; fire insurances from 387,000,000*l.* to 722,000,000. And, according to a calculation made by Mr. Porter (than whom no statistician was better able to arrive at the truth), it appeared that the value of the personal property of the country had in the same thirty-five years increased from 1,200,000,000*l.* in 1815 to 2,400,000,000*l.* at the present time. The inference he drew from these facts then were, that the policy begun by Sir Robert Peel, and carried out by his successors, was a highly beneficial policy; for whilst the taxation had been diminished 42,000,000*l.* in thirty-five years, and the amount of taxation remaining more justly apportioned, the weight of that taxation had been lightened by its being paid upon this immense increase of property. The best assistance the Legislature could give either to landlands or tenants was, to carry out those measures which were calculated to benefit the mass of the population, and make them more extensive consumers of agricultural produce. He spoke this as one deeply interested in the question. He had been obliged to reduce his own rents, and he should be glad to see any mode by which he might raise them again without injuring his tenantry; but the only mode by which they could be raised and the condition of their tenantry improved, was, he believed, to improve the condition of the great body of the consumers of the country. In proportion as the people were enabled to consume more, would they give the farmer a better market for his produce, improve the rental of the landlord, and diminish the amount of poor-rates.

Mr. SPOONER would not follow the hon. Member for Westbury (Mr. Wilson) through his speech, full of figures as it was, and upon the whole but little to the purpose. Neither would he attempt to follow his hon. Friend (Mr. Slaney) through all the subjects to which he had adverted. He rose rather to bring back the attention of the House to that which was the real question before it. The Chancellor of the Exchequer had a surplus to dispose of; and the right hon. Gentleman proposed one way of dealing with it, and his right hon. Friend (Mr. Herries) proposed another. What the House had to do was to chose between the two—which they preferred. His right hon. Friend (Mr. Herries) said he objected to the plan proposed by the Chancellor of the Exchequer upon two grounds especially: the one was, that it put aside from the consideration of the House the object which Parliament had in view when it granted the property tax for an emergency, and he called upon the House to act upon the principle that the tax should be got rid of as speedily as possible. His right hon. Friend objected to it also upon the grounds adduced by the noble Lord the First Lord of the Treasury, and the Chancellor of the Exchequer; and he called upon the noble Lord to answer this question, which had not yet been answered by the Chancellor of the Exchequer—upon what principle he justified the renewal of a tax which he himself, when out of office, denounced as full of inequality, vexation, and fraud? Now, he (Mr. Spooner) asked the noble Lord—was the nature of the tax changed, or were the opinions of the noble Lord changed? He did hope, then, that the noble Lord would give the House very shortly an explanation upon that subject. Was the tax unjust, vexatious, and full of fraud, only because it was proposed when the noble Lord sat on the cold benches of opposition? And had the inequality, vexation, and fraud vanished immediately that the noble Lord took possession of the Treasury benches? The Chancellor of the Exchequer said that he had not opposed the tax on these grounds, but on merely fiscal considerations; and he proposed to continue it now because his financial plan was one which was to benefit the masses. But what said the right hon. Gentleman in 1845? Why that, "with regard to the general argument against the income tax, its inequality, its injustice, and vexation, no answer whatever had been given." Surely this was a complete adoption of the words used by the noble Lord. The right hon. Gentleman called upon the House in 1845 to give an answer to the general argument against the tax; and now he (Mr. Spooner) called upon the noble Lord to do that which in 1845 the right hon. Gentleman declared had not been done, and to show that the inequality, the vexation, and the fraud had ceased to exist. The right hon. Gentleman stated that his present plan was intended for the benefit of the masses; he (Mr. Spooner) concluded, therefore, that he proposed to continue the property tax because its removal would not benefit the masses. What said the right hon. Gentleman in 1845 upon this head? "So far," said he, "from its being a tax upon the rich, he believed that it pressed upon the labouring population by diminishing the means of giving them employment." He hoped, therefore, the noble Lord would answer the question of his right hon. Friend (Mr. Herries), and tell the House why that which was unequal, vexatious, and fraudulent in 1845, had altered its character, and become worthy of recommendation to the House in 1851?

Mr. REYNOLDS said, that he had voted for the income tax in 1848, but he now intended to vote for the Amendment of the right hon. Gentleman (Mr. Herries). ["Oh!"] He would show the reason. The proposal was, to renew the income tax for three years. The right hon. the Chancellor of the Exchequer stated, that it was not his intention to extend the tax to Ireland at present. "At present!" [The Chancellor of the Exchequer: Not at all.] He inferred the translation of those words, "at present," to be, that, at some future period, the right hon. Gentleman, or some one else upon whom his mantle might fall, would feel it their duty to extend it to Ireland. Taking that view of the question, it occurred to him that, as none of the 105 representatives of Ireland —and they were not all present on the present occasion—had obtruded themselves upon the attention of the House, he thought himself justified in occupying their attention for a moment or two. He remembered that, in the speech of that right right hon. Gentleman, whose death none deplored more than himself, upon the introduction of the income tax in 1842, he accounted for the non-extension of that impost to Ireland upon two grounds: the first, that Ireland was unable to bear the pressure; and the second, that there was no machinery in Ireland to manage and collect it. But his winding-up, like the postscript to a lady's letter, contained the important point; and he said, "I shall not extend this tax to Ireland, but I shall assimilate the stamp duties of the two countries." And he did assimilate them; and he (Mr. Reynolds) held in his hands an extract from the returns of stamps and taxes, which he would read, and by which the House would perceive that Ireland, poor as she might be, had been compelled to pay a certain annual sum towards this income tax. In 1840, the stamps and taxes in Ireland amounted to 463,000*l.*; but they went on thus: In 1842, they became 531,000*l.*; in 1843, 587,000*l.*; in 1844, 583,000*l.*; in 1845, 598,000; in 1846, 613,000*l.*; in 1847, 608,000*l.*; in 1848, 571,000*l.* For the years 1849 and 1850, no returns had yet been laid upon the table; but he would take it for granted that they were about the same as the antecedent years, and, if he was right, he found that his embarrassed country had, during nine years, paid an increase on stamps of 1,000,000*l.* sterling. He found that, in Scotland, the amount of stamps in 1841 was 560,000*l.*, and, varying in the intervening years, was only 531,000*l.* in 1848; so that, while they had extracted 1,000,000*l.* from Ireland, they had not extracted one penny extra from Scotland. [Mr. BROTHERTON: Scotland pays the income tax.] The right hon. the Chancellor of the Exchequer told the House that he should not extend the tax to Ireland. The income tax to Ireland! To Ireland, a country that, in four years, in consequence of the destruction of her crops, had, at the least and lowest calculation, lost 100,000,000*l.*—a country that had been cooped under the high pressure of an enormous poor-rate — a country with 3,000,000 of people at one time chartered upon the rates, and a country from which they had extracted in one year nearly 2,000,000*l.* sterling for the support of the poor, and for the construction of workhouses, and the maintenance of those human slaughter-houses, like those of Kilrush and Ennistymon, where adults were fed on 11½*d.* a week, and clothed for 2*d.* ["Divide!"] He understood the meaning of that interruption. It meant to say, that in this country they would not feed a dog on 11½*d.* a week—they would not clothe a dog, if a dog needed clothing, on 2*d.* The deaths in these places averaged 70 per week. But the hon. Gentleman, who was a Secretary of the India Board, had talked of the poor. He wanted to know what the poor had to do with the Budget? He saw no relief in it for the poor; none for the professional man—none for the shopkeepers—none for any man who earned his bread by the sweat of his brow, or by his mental qualifications. He, for his own part, was a convert to the doctrine laid down by the noble Lord, in his speech on the 8th April, 1842, which would be found in vol. lxii. of *Hansard*, as follows:—

> "Another objection which I have to the tax is the admitted inequality of its operation. This inequality of its operation is not denied by any one; and, indeed, it would be impossible to deny it. It is obvious that if you take three or four persons having each 300*l.* a year, the pressure of the tax may be most unequal. The first may derive his income from some permanent property; a second may be in the receipt of a terminable annuity; while the third may be a person engaged in some dangerous or unhealthy profession—say, for instance, a surgeon in country practice, who lays by a small part of his income as a future provision for his family. In the case of such a man, you are taxing capital as well as income. Another man may be engaged in a trade in which his profits are very uncertain; his gains may be inconsiderable one year, less in the next, and in another year he may even be liable to losses greater than his gains, making it impossible for him to lay anything by for his family. Must not the tax, in such cases, operate with very great inequality?—[3 *Hansard*, lxii. 89.]

And the noble Lord proceeded to ask, if it must not appear

> —"very hard to take from a trader so circumstanced the same proportion of his trading profits as you take from one whose income is permanent and secure?"

But there was in his hands another extract from the speech of the noble Lord, who afterwards went on to say—

> "There is one proposition that has been made —a proposition, too, which has been mooted in this House—a tax which it is not, perhaps, desirable to adopt if there is no absolute necessity, but a proposition which appears to me to be based upon sounder arguments, and a tax which appears to me to be fairer, better, and more just than that put forward by the Government—I mean the proposition that has been mooted of submitting the succession of real property—the succession, I say, of real property to the same probate and legacy duty which attaches itself to the succession of personal estate."

Now, he was in favour of the latter proposition—he was for saddling real property with the same burdens which attached to personal property. But his principal object in rising was, to complain of the sins of omission in the Budget. He wanted to know why the right hon. Gentleman had omitted all mention of the paper duties? He was himself an advocate for the abolition of the window duties; but he asked if their abolition would employ a single individual more than those now employed, whether in England or Ireland? whereas, if the duty was taken off paper, he believed that double the amount of employment would be given; or if he had taken the duty off soap, as was suggested in a speech so eloquent and so able by an hon. Gentleman who bore an immortal name, that too would have increased the employment of the people. As an Irish representative, he complained that the Budget offered no relief to his country. They had not touched the duty on tea, which was taxed 300 per cent. They had, in fact, given no relief to the working classes, either by increasing employment, or by cheapening the necessaries of life. It was true that hon. Gentlemen on his (the Opposition) side of the House proposed nothing that he was aware of; and he had often told them that they ought not to content themselves with fault-finding, but that they ought to propose something as a substitute. But he objected to the income tax—not that he objected to the principle —but he objected to the details, and he desired to see it made more equitable. Having, as he trusted, satisfactorily accounted for his intention to vote for the Amendment, he wished to ask Irish liberal Members what there was in the Budget which ought to ensure their support? In his judgment, the Amendment deserved their support, for it referred to the pressure of the stamp duties on Ireland, and it held out the hope of some modification of a tax which all admitted to be susceptible of improvement.

Lord CLAUDE HAMILTON would call the attention of the House to the fact that the greater part of the time of the House had been occupied with discussions quite irrelevant to the proposition before the House. What was the subject before the House? It had no reference to any proposition for a retrograde movement from free trade. The right hon. Gentleman had proposed nothing of the sort. He would ask the now full attendance of hon. Members whether they had well weighed and considered the question on which they were about to vote? He would ask hon. Members who intended to vote for the right hon. Gentleman the Chancellor of the Exchequer to say whether they believed they were to vote for this tax for three years only, or to make it permanent. That was the real question at issue, and that was the question hon. Members ought to ask themselves before they went into the lobby. It must be recollected this was the fourth time the House had been called upon to vote for a three years' continuance of the tax. The proposition of the right hon. Gentleman the Member for Stamford embodied this principle: which was right, with a surplus, to apply a portion of that surplus to the reduction of a temporary tax, or to the abolition of a previously imposed permanent tax? He advocated fairness and openness—he was not willing to vote for a tax ostensibly for three years only, when, in reality, the tax was to be made permanent. He rejoiced that the window tax was to be abolished; but then there was a higher economical principle at stake, which he had referred to, and which hon. Members ought carefully to keep in view. If the Government spoke out manfully, and said the tax must be permanent, and if the House sanctioned this principle, let the House at least first begin by abolishing its inequalities. Let them not be deceived by party appeals, let them not look upon the question as if it were a vote for or against the masses of the people; the question they had to consider was this, were they or were they not voting to make this tax a permanent one? Were they prepared to rivet this impost on the country as a permanent burden to the property of the empire? If they intended to make it permanent, let them do in political as they would do in private life, let them do it openly, fairly, and professedly. He did not believe that any Gentleman who intended to vote with the Chancellor of the Exchequer expected that the vote would be a temporary one. He called upon them, then, if the tax was to be permanent, to make it equitable. A temporary emergency might excuse the injustice of the tax which was imposed to meet it; but now that they were asked to impose this tax for the fourth time, it would be mockery to their constituents—it would be trifling with the interests of those whose income depended upon their health and skill, to excuse themselves from remedying its glaring defects by the pretext that it was a temporary measure. The right hon. Gentleman the Chancellor of the Exchequer said it was to be a temporary measure; but he said he must have it for three years, and that he must have it with all its imperfections and enormities. He called upon hon. Gentlemen not to be blinded by these representations, but to insist upon its Amendment or its reduction. He called upon them especially not to be led away by the arguments of the hon. Member for Westbury, who seemed bent upon answering by anticipation the undelivered speech of the hon. Member for Buckinghamshire. Perhaps it would be as well that the hon. Member should wait till the hon. Member for Buckinghamshire spoke; and when he answered him, he hoped he would do it at less unreasonable lengths than he had indulged in to-night, and that he would not require the hint of that mysterious slip of paper which was handed to him by his own friends—and which produced so sudden a termination to his speech.

Mr. S. CRAWFORD wished to explain his reasons for the vote he was about to give. The real question was, whether he would vote for this tax to be continued for three years more, with all its imperfections and oppressiveness. Now he did not feel justified in continuing such a tax, for he knew that his constituents felt it to be a grievous oppression. He was friendly to a property tax—to a tax upon income derived from real property; but he was not friendly to a tax upon the incomes of professional men. He knew, abundantly well, that if they gave any Government free license to raise taxes, they never would have retrenchment. There might be retrenchment sufficient to dispense with the income tax, if his views on retrenchment were adopted, and, therefore, he felt compelled to vote against the imposition of this tax, and in favour of the Amendment of the right hon. Member for Stamford.

Lord Claude Hamilton

Sir R. H. INGLIS agreed with the noble (Lord C. Hamilton) that the discussion had not been confined to the two propositions before the House, which he had correctly defined as a proposition of the Chancellor of the Exchequer to continue the income tax for three years, and a proposition of the right hon. Member for Stamford to impose so much as might be considered sufficient to meet the necessities of the public service, and to maintain public credit. He (Sir R. H. Inglis) considered that if the income tax was inquisitorial, unequal, and unjust, it was equally inquisitorial, unequal, and unjust, whether they took 3½ or 2½ per cent, or 3*d.*, or 2*d.*, or any other conceivable amount, in the pound. The question was whether the public credit did or did not require the unmitigated amount of income tax which the Chancellor of the Exchequer proposed to raise. Any one who had done him (Sir R. H. Inglis) the honour to attend to what he had said in the House, would recollect how often he had objected to the giving relief with respect to burdens to one particular class, and, above all, how often he had insisted on that great point, as he ventured to think it still, whether the Chancellor of the Exchequer ought not, instead of beginning with charging on 150*l.*, to take that as the unit, and charge all income above that sum? Regarding the constitutional and legal objection to the giving relief to one particular class, he could not concur in the proposal of the right hon. Member for Stamford, because it would relieve the shopkeeper class throughout England, and certainly not the agricultural community. Having had more difficulty in making up his mind on the two propositions than he had ever experienced, the right hon. Gentleman the Chancellor of the Exchequer would hardly thank him for coming to a decision very reluctantly in favour of the Resolution.

The House divided:—Ayes 278; Noes 230: Majority 48.

List of the Ayes.

Abdy, Sir T. N.
Adair, H. E.
Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Anson, hon. Col.
Anson, Visct.
Anstey, T. C.
Armstrong, Sir A.
Ashley, Lord
Bagshaw, J.
Bailey, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Bass, M. T.
Beckett, W.
Bell, J.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.

Birch, Sir T. B.
Blackstone, W. S.
Blewitt, R. J.
Bowles, Adm.
Boyle, hon. Col.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Bunbury, E. H.
Burke, Sir T. J.
Buxton, Sir E. N.
Campbell, hon. W. F.
Cardwell, E.
Carter, J. B.
Caulfield, J. M.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Charteris, hon. F.
Childers, J. W.
Christy, S.
Clay, J.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cobden, R.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Collins, W.
Corry, rt. hon. H. L.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Crowder, R. B.
Cubitt, W.
Currie, R.
Dalrymple, Capt.
Dashwood, Sir G. H.
Dawson, hon. T. V.
Denison, E.
Denison, J. E.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Douglas, Sir C. E.
Douro, Marq. of
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellice, E.
Ellis, J.
Elliot, hon. J. E.
Estcourt, J. B. B.
Euston, Earl of
Evans, Sir De L.
Evans, W.
Ewart, W.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzpatrick, rt. hon. J. W.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fox, W. J.
Freestun, Col.
French, F.
Gibson, rt. hon. T. M.
Gladstone, rt. hn. W. E.
Glyn, G. C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord J. F.
Hanmer, Sir J.
Harcourt, G. G.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Heneage, G. H. W.
Henry, A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Hogg, Sir J. W.
Hollond, R.
Hope, A.
Horsman, E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Hume, J.
Humphery, Ald.
Hutchins, E. J.
Hutt, W.
Inglis, Sir R. H.
Jackson, W.
Jermyn, Earl
Johnstone, Sir J.
Ker, R.
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Legh, G. C.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Littleton, hon. E. R.
Locke, J.
Lockhart, A. E.
Loveden, P.
Mackinnon, W. A.
M'Gregor, J.
M'Taggart, Sir J.
Mahon, Visct.
Mangles, R. D.
Marshall, J. G.
Marshall, W.
Martin, C. W.
Masterman, J.
Matheson, A.
Matheson, Sir J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Milton, Visct.
Mitchell, T. A.
Moffatt, G.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Mure, Col.
Norreys, Lord
Norreys, Sir D. J.
O'Connell, M. J.
Ogle, S. C. H.
Ord, W.
Oswald, A.
Owen, Sir J.
Paget, Lord A.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pechell, Sir G. B.
Peel, F.
Peto, S. M.
Pilkington, J.
Pinney, W.
Plowden, W. H. C.
Ponsonby, hon. C. F. A.
Power, N.
Price, Sir R.
Rawdon, Col.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Salwey, Col.
Sandars, J.
Scholefield, W.
Scrope, G. P.
Seymour, H. D.
Seymour, Lord
Shafto, R. D.
Sheridan, R. B.
Simeon, J.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Smith, J. B.
Somers, J. P.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Stanley, hon. W. O.
Stanton, W. H.
Strickland, Sir G.
Stuart, Lord J.
Stuart, H.
Sutton, J. H. M.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Towneley, J.
Townley, R. G.
Townshend, Capt.
Trelawny, J. S.
Trevor, hon. T.
Tufnell, rt. hon. H.
Tynte, Col. C. J. K.
Vane, Lord H.
Verney, Sir H.
Villiers, Visct.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Watkins, Col. L.
Wegg-Prosser, F. R.
Wellesley, Lord C.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Williams, W.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wortley, rt. hon. J. S.
Wyvill, M.
Young, Sir J.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the NOES.

Adderley, C. B.
Arbuthnott, hon. H.
Arkwright, G.
Bagge, W.
Bagot, hon. W.
Baillie, H. J.
Baird, J.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Baring, T.
Barrington, Visct.
Barron, Sir H. W.
Barrow, W. H.
Bateson, T.
Bennett, P.
Bentinck, Lord H.
Bernard, Visct.
Blake, M. J.
Blakemore, R.
Blandford, Marq. of
Boldero, H. G.
Booker, T. W.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Broadwood, H.
Brooke, Sir A. B.
Bruce, C. L. C.

Bruen, Col.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Burleigh, Lord
Burroughes, H. N.
Carew, W. H. P.
Chandos, Marq. of
Chatterton, Col.
Chichester, Lord J. L.
Christopher, R. A.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Corbally, M. E.
Crawford, W. S.
Damer, hon. Col.
Davies, D. A. S.
Deedes, W.
Devereux, J. T.
Dick, Q.
Disraeli, B.
Dod, J. W.
Dodd, G.
Drax, J. S. W. S. E.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, G.
Dunne, Col.
Du Pre, C. G.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Emlyn, Visct.
Evelyn, W. J.
Fagan, W.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galwey, Visct.
Gaskell, J. M.
Gilpin, Col.
Goddard, A. L.
Gooch, E. S.
Goold, W.
Gordon, Adm.
Gore, W. R. O.
Grace, O. D. J.
Grattan, H.
Greenall, G.
Greene, J.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Harris, hon. Capt.
Hayes, Sir E.
Henley, J. W.
Herbert, H. A.
Herries, rt. hon. J. C.
Higgins, G. G. O.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hodgson, W. N.
Hope, H. T.
Hornby, J.
Hotham, Lord
Hudson, G.
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Jones, Capt.
Keating, R.
Keogh, W.
Kerrison, Sir E.
Knight, F. W.
Knightley, Sir C.
Knox, Col.
Knox, hon. W. S.
Lawless, hon. C.
Lennard, T. B.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lewisham, Visct.
Lindsay, hon. Col.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Mackie, J.
Macnaghten, Sir E.
M'Cullagh, W. T.
Magan, W. H.
Maher, N. V.
Meagher, T.
Mandeville, Visct.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Maunsell, T. P.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Monsell, W.
Moody, C. A.
Moore, G. H.
Morgan, O.
Mullings, J. R.
Mundy, W.
Muntz, G. F.
Naas, Lord
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir L.
O'Brien, Sir T.
O'Connell, J.
O'Flaherty, A.
Ossulston, Lord
Packe C. W.
Palmer, R.
Pennant, hon. Col.
Pigott, F.
Plumptre, J. P.
Portal, M.
Power, Dr.
Prinsep, H. T.
Pugh, D.
Reid, Col.
Rendlesham, Lord
Renton, J. C.
Repton, G. W. J.
Reynolds, J.
Richards, R.
Rufford, F.
Rushout, Capt.
Sadleir, J.
Scott, hon. F.
Scully, F.
Seymer, H. K.
Sibthorp, Col.
Sidney, Ald.
Smyth, J. G.
Somerset, Capt.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Stuart, J.
Sturt, H. G.
Sullivan, M.
Taylor, T. E.
Thesiger, Sir F.
Thompson, Ald.
Tollemache, J.
Trevor, hon. G. R.
Tyler, Sir G.
Tyrell, Sir J. T.
Verner, Sir W.
Vesey, hon. T.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Walpole, S. H.
Welby, G. E.
Williams, T. P.
Willoughby, Sir H.
Wodehouse, E.
Worcester, Marq. of
Wynn, H. W. W.
Yorke, hon. E. T.

TELLERS.

Beresford, W.
Mackenzie, W. F.

Main Question put and *agreed to.*

MR. DISRAELI said, he had given notice of an Amendment upon the question now before the House, and he wished to know from the right hon. Gentleman opposite, whether it would not be more convenient to him to take the debate and division on his Amendment at a future stage of the proceedings rather than at present, probably on Friday next? Assuming that the Chancellor of the Exchequer proposed on that day to go into Committee on the window tax, he thought it might be more agreeable to the right hon. Gentleman to take his (Mr. Disraeli's) Amendment on that day than go on with it now.

LORD JOHN RUSSELL said, the course proposed would be convenient. He understood the hon. Gentleman to agree that the Report on the Resolution then before the House should be received, provided his right hon. Friend assented to the debate and division on the hon. Gentleman's Motion being taken on Friday, which would be a convenient course.

MR. DISRAELI said, he did this on the distinct understanding that the Government would bring forward their Resolution on Friday.

The CHANCELLOR OF THE EXCHEQUER said, the course he proposed was this—that the Resolution should be reported now, to enable the Government to bring in a Bill founded upon it; and in its future stages many discussions would, no doubt, arise. On Friday they proposed taking the Committee on the House and Window Duties. They would take that the first thing on Friday. [MR. DISRAELI: Take what?] The Committee on the Window and House Tax. It would be more convenient to the House that the hon. Member for Buckinghamshire should move his Resolution as an Amendment on the Motion, that the Speaker leave the Chair, in order to go into that Committee. The Government were ready to afford a full and fair opportunity to discuss the measure which the hon. Gentleman proposed to bring in, to supersede the proposition of the Government.

MR. DISRAELI repeated that he understood he was to proceed with his Amendment on Friday next; and now, with the permission of the House, he would state the precise terms of that proposition, which were as follows:—

> "That, in any relief to be granted by the remission or adjustment of taxation, due regard should be paid to the distressed condition of the owners and occupiers of land in the United Kingdom."

MR. GOULBURN: Did the right hon. Gentleman the Chancellor of the Exchequer intend to move his proposition in a Committee of Ways and Means, or did he mean to propose a Committee of the whole House to consider a repeal of the window tax?

The CHANCELLOR OF THE EXCHEQUER said, that what was called a window tax was a house tax levied on inhabited houses, according to the number of windows or lights that they contained. The Resolution which he intended to propose to the House was, that the tax, instead of being levied according to the number of lights, should be levied according to the annual value of the House.

COLONEL SIBTHORP said, that it was not his intention to abandon his Motion, of which he had given notice, of the exemption of tenant-farmers and officers of the Army and Navy from the income tax, but to persist in it, although the hon. Member for Buckinghamshire had subsequently introduced a Motion of almost similar character.

MR. HERRIES wished the right hon. Chancellor of the Exchequer to state whether he intended to bring forward the Bill for the continuance of the income and property tax before Easter. He would suggest to the hon. and gallant Member for Lincoln, that when the House was in Committee on that Bill, he would have the best opportunity of proposing any Amendment he might think necessary or desirable to make.

MR. GLADSTONE: Perhaps the right hon. Gentleman the Chancellor of the Exchequer would likewise have the goodness to place on the Votes the terms of the Resolution he would propose on Friday. What he had stated was perfectly clear; but if the terms of the Resolution were placed on the Votes, it would be perfectly understood.

The CHANCELLOR OF THE EXCHEQUER thought, that at some future stage of the Bill the hon. and gallant Member for Lincoln would have a more convenient opportunity to raise the question which he proposed. He (the Chancellor of the Exchequer) was afraid that it would be impossible to bring in the Bill for the continuance of the income and property tax before Easter. There were only a few days before Easter over which the Government had command for business of that kind. He proposed to take the house and window tax on Friday, on which the hon. Member opposite (Mr. Disraeli) would raise a Debate. He hoped that Debate would be concluded on Friday, but he could not promise any measure until he knew when that Debate would conclude. He thought it convenient for the House, and he was quite prepared to give notice of the precise nature of the Resolution he should propose.

MR. HUME said, that the House having now resolved to renew the income tax for a time to be limited, he should, in Committee on the Bill, propose that the limitation should be for one year, with a view of having a Committee appointed to inquire whether it was not possible to remove some of the grounds of complaint now felt with regard to it.

MR. COBDEN said, that the hon. Gentleman the Member for Montrose had stated his intention to move the limitation of the income tax to one year, to afford an opportunity of revising it and levying it more equally. The hon. Member was not opposed to direct taxation; he wished the income tax to be so framed that it could be made a permanent tax. That, he believed, was the hon. Gentleman's view. [MR. HUME assented.] Now he (Mr. Cobden) was well aware that a large portion of Members were opposed to the income tax, and would vote with the hon. Gentleman to limit it to one year, from very different motives. He took it for granted that his hon. Friend would like to test the opinion of the House on the propriety of levying the income tax in a more equitable manner, and with greater satisfaction to the country, and thereby to preserve that amount of direct taxation; and he would suggest that, before taking this vote of limiting the tax to one year, his hon. Friend should give the opportunity to the House to express its opinion on the levying or assessing it in a more equitable manner. Three years ago the hon. Member for Cockermouth brought forward that Motion, the terms of which were very good, but the speech accompanying it was not so good—it was encumbered with a plan of his own, to which every one could not give his adhesion. He (Mr. Cobden) suggested to his hon. Friend whether he would not be consulting his own views if he gave the opportunity of dividing on that proposition before bringing forward the other portion of his Motion, on which many Members would vote with him who could not agree with his views.

Mr. HUME would give every opportunity to hon. Members expressing their opinions that was in his power.

Colonel SIBTHORP would not object to an arrangement for the greater convenience of the House, but wished it to go forth to the public that he did not shrink from bringing forward the Motion of which he had given notice.

Resolution read a second time, and agreed to; other Resolutions agreed to.

Bill or Bills ordered to be brought in by Mr. Bernal, The Chancellor of the Exchequer, and Lord John Russell.

PROCESS AND PRACTICE (IRELAND)— COMPENSATION ALLOWANCES.

Order for Committee read.

Motion made, and Question proposed—

"That so much of an Act of the last Session for the regulation of Process and Practice in the Superior Courts of Common Law in Ireland, as authorises the payment out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of certain Compensation Allowances, shall be extended to the Officers of the Exchequer Chamber in Ireland."

Mr. KEOGH thought it unreasonable to grant compensation to officers of whom the House had heard nothing, and therefore moved that the Chairman report progress.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

Mr. REYNOLDS seconded the Motion.

Lord JOHN RUSSELL said, if the hon. and learned Gentleman had any objection to the Resolution, he did not see why he could not at once state such objection.

Mr. KEOGH said, the only notice which the House had of any intention to vote this compensation was in the words "Exchequer Chamber (Ireland), Committee thereupon." Now this certainly gave no explanation of any intention to move a large sum by way of compensation. He might retort on the noble Lord and say that some reason ought to be assigned for giving this compensation. Not one word by way of explanation had been given from the Treasury bench.

Sir G. GREY said, the Resolution which had been proposed was substantially identical with the second clause of the Process and Practice (Ireland) Bill, which was in the hands of hon. Members, who might, therefore, have been aware that it was intended to give compensation to certain officers; but, according to the rules of the House, it was necessary to agree to a resolution in Committee for granting such compensation before the clause could be proposed in the Bill.

Mr. HERRIES said, the difficulty which now existed had arisen from this circumstance—that the hon. and learned Gentleman the Attorney General for Ireland, in proposing the introduction of the Resolution, had not given any explanation of the grounds on which it was founded.

Mr. HATCHELL said, the object of the Bill was, that by a provision of the Process and Practice Act of last Session, officers of the superior courts of law in Ireland who might be deprived of their offices, or whose emoluments might be diminished under the operation of the Act, should receive due compensation. The Judges, having had doubts whether the officers of the Exchequer Chamber were comprised in the Act, suggested that a Bill should be introduced by which all doubt should be removed, and the rules which they had laid down be extended by express warrant to the Exchequer Chamber.

Mr. REYNOLDS wished to know the officers of the Exchequer Chamber who would be affected by the Bill, their names, their rank, and their salary. He also begged to ask if a gentleman of the name of Hitchcock was one of the officers of the Exchequer Chamber who would be affected by the Bill?

MR. HATCHELL, in reply, said, that the number of officers in the Exchequer Chamber was a fact that did not come within his knowledge.

MR. KEOGH said, that he had not received any satisfactory explanation of the object of the Bill, and he should therefore press his Motion.

The Committee divided:—Ayes 50; Noes 85: Majority 35.

Original Question again proposed.

MR. REYNOLDS would not consent to the Vote without knowing the amount involved, and must move that the Chairman do now leave the Chair.

Motion made, and Question put, "That the Chairman do now leave the Chair."

SIR G. GREY said, it seemed to be the wish of some hon. Members for Ireland that information should be given respecting the nature of the Bill, and the amount of compensation which would be granted under it. It was impossible to state the exact amount of compensation, because that was left to the Treasury to determine; but he was informed that there would be only three officers who would be affected by the Bill, the highest of whose salaries was not more than 500*l.* a year. A few hundreds of pounds was, therefore, all that the Treasury could dispose of under the powers of the Bill.

MR. SADLEIR was glad to find that information was at last being furnished, though it came from the English and not the Irish functionary. Perhaps another division would procure the names of the officers, an account of their duties, and a statement whether they held any other offices in the public service. He thought it unreasonable to bring forward Irish measures at so late an hour; but as the Irish Members were beginning to be of some little importance in that House, they were determined to put a check to such a course of proceeding. The right hon. Gentleman the Secretary for the Home Department knew that the Irish Members had evinced on all occasions a wish to co-operate with the Government; and the right hon. and learned Master of the Rolls could testify how sincere a desire they had shown to carry out law reform in Ireland. But they would not submit to have Irish Bills postponed to an hour when it was impossible to discuss them fully.

The MASTER OF THE ROLLS was most happy to acknowledge the assistance he had received from the Irish Members in passing the Practice and Process (Ireland) Bill. The proposed Bill was to extend that measure to the Exchequer Chamber, and there were certain officers connected with that Court who might be affected by this Bill; and if they should be so affected, it was only fair that they should receive compensation. He hoped, therefore, no objection would be pressed to the Committee going into the subject, and then no doubt they would have the names, offices, and salaries of the officers to be compensated. No doubt the hon. Member for Carlow (Mr. Sadleir) could give them all these particulars.

MR. SADLEIR was unable to give the House any information of the kind.

MR. KEOGH thought it unreasonable for the right hon. and learned Master of the Rolls to expect the hon. Member for Carlow to give information which the right hon. and learned Attorney General for Ireland confessed that he knew nothing at all about. The House ought to know who these officers proposed to be compensated were, and what were their emoluments, salaries, and duties, before assenting to a clause to give them compensation. Without such facts before them, he objected to proceeding with such measures at that hour in the morning.

MR. HATCHELL thought a most unusual discussion had been got up on that occasion, and he trusted the Committee would be allowed to go into the question and dispose of it.

MR. REYNOLDS must persist in his intention to press his Motion, that the Chairman leave the chair.

MR. WALPOLE hoped the hon. Gentleman would not insist on dividing the Committee. This was a mere matter of form, and would not pledge the House to anything in the Bill.

The Committee divided:—Ayes 35; Noes 77: Majority 42.

MR. KEOGH must protest against proceeding with this question at one o'clock in the morning. He should move that the Chairman do now report progress.

SIR G. GREY said, that the Committee was only asked to pass a Resolution to enable the House to consider the clauses of this Bill on a future day. As, however, some hon. Members thought it consistent with their duty to oppose what was a merely formal proceeding, and as he did not wish to stay there all night, he should not oppose the Motion for reporting progress.

House resumed.

Committee report progress; to sit again To-morrow.

ST. ALBANS ELECTION.

The Serjeant-at-Arms attending this House informed the House, that, pursuant to their Order of this Day, he had taken Henry Edwards into his custody.

Ordered—

> "That the Serjeant-at-Arms do take the said Henry Edwards to the Select Committee appointed to try and determine the merits of the Petition, complaining of an undue Election and Return for the Borough of Saint Alban, when and so often as he shall be required by the Committee so to do."

The House adjourned at half after One o'clock.

HOUSE OF LORDS,

Tuesday, April 8, 1851.

MINUTES.] *Reported*—Mutiny; Marine Mutiny; Mills and Factories (Ireland).

CLAIM BY THE EAST INDIA COMPANY ON THE GOVERNMENT.

LORD MONTEAGLE wished to put the following question to the noble Lord the President of the Board of Control, namely, whether there would be any objection to produce "any Correspondence which may have taken place between the Treasury and the Board of Control, or any other Department of the Government, and the East India Company, on the subject of a claim for the payment of 400,000*l.*, alleged to be due on account of expenses of the late Chinese War?"

LORD BROUGHTON begged, in answer to the question, to say, that it was quite true that the East India Company had made a demand to the amount stated; and it was also true that a correspondence had taken place between some Departments of the Government and the East India Company. He thought it was better for him not to make any further remarks on the subject at present; and he begged to say, that he had no objection to lay the papers on the table of the House.

On the Motion of Lord MONTEAGLE, an Address for a copy of this correspondence was agreed to.

COUNTY COURTS FURTHER EXTENSION BILL.

On the Question, that the House go into Committee on Second Re-commitment of this Bill,

LORD BROUGHAM said, that, before the House went into Committee, he wished to call their attention to two important considerations connected with this Bill, namely, whether it would be necessary to increase the number of the County Court Judges; and if so, from what funds would the salaries of those Judges be paid. He found, from official returns, that the average number of days during which the County Court Judges had sat for the last two years did not amount to more than six months in the year, namely, 157 days; and he found also that only ten of those Judges had exceeded that average. Now, it was obvious, that if those learned persons sat more days in the year, they would be able to transact a greater amount of business. He did not apprehend, therefore, that it would be necessary to increase the number of Judges, except, perhaps, in the metropolitan districts. It was proposed that these Judges should be compensated in a reasonable manner for the increased amount of business which would devolve upon them; and a fund for that purpose was already supplied, for the system, he was happy to say, supported itself, and gave a considerable surplus, after paying the officers, namely, 30,000*l.* per annum, which was paid into the Treasury. With the exception of the clerks of fifteen County Courts, who had salaries of 500*l.* a year settled upon them under a regulation of the Treasury, all the clerks were paid by fees; and the consequence was, that, in one instance which had been mentioned to him only within the last hour, whilst the County Court Judge received a salary of 1,000*l.* per annum, the clerk of his Court received 2,000*l.* per annum in fees. He would however, say, even if there were no surplus, that the system would continue to support itself from the additional number of fees which the greatly-increased amount of business could not fail to produce. He must again, as he had often before, deprecate an unwise system of false economy, the only effect of which must be to cripple the administration of justice. He need not refer to a more striking instance than that which was exhibited in the Court over which his noble and learned Friend on the Woolsack presided, where the greatest injury was done to the suitors in consequence of the inadequate judicial staff of that Court.

House in Committee.

Clauses 1 to 12 postponed.

On Clause 13,

The LORD CHANCELLOR said, that he had been represented as not friendly to the cause of law reform.

Lord BROUGHAM: I did not say so.

The LORD CHANCELLOR did not mean to say that his noble and learned Friend had said so; but he could assure him, that he would find him (the Lord Chancellor) a willing coadjutor in all those attempts to reform the law which his noble and learned Friend so often, and so much for the benefit of the country, had made. But extreme uncertainty had been introduced in modern times into various branches of the law, in consequence of alterations in the law which had not undergone that full consideration which was necessary to render them beneficial to the country. The clauses to which he was about to call the attention of their Lordships might be divided into two parts—one which referred to certain accounts, which might be inquired into by the Judges of County Courts; and the other, which gave a jurisdiction to the Judges to take the examination of witnesses in certain cases. He quite agreed with his noble and learned Friend in thinking that there was nothing more injurious to the public interests than a disinclination to apply the public funds to the due administration of justice. They often heard of the thousands of cases which were disposed of in the County Courts; but it should be remembered that, in point of fact, 99 out of 100 were disposed of in a few seconds. They were questions of butchers', bakers', and milkmen's bills, and the Judge had little more to do than decide whether the amount should be paid in instalments of two or three shillings per week. It would really be, for the purposes of such causes as these, a mere waste of talent and money to have persons of superior acquirements employed in the duty of presiding over the proceedings. When, however, the business of the County Court Judges extended to matters embracing contracts and more complicated questions, where uniformity in the administration of the law was desirable, it became of extreme importance to see that the tribunal was a competent one, and to have an efficient court of appeal established. Looking then at the extent of traffic carried on in this country, and looking also at how large a proportion of the causes in a County Court under the proposed alteration came up to the sum to which they would now raise the jurisdiction of those Courts, it must be obviously subversive of the principles of justice to have one rule or practice prevailing in the County Court of Kent, and something totally different in force throughout Yorkshire. The law must be uniform. He thought also that in several clauses of the Bill they would find that many duties were imposed upon the Judges of the County Courts which such gentlemen could clearly not be competent to perform. Then he had another objection to the measure, which objection lay chiefly against the clause enabling the parties to refer their causes; they would, under the present Bill, be enabled to do so without obtaining the assent of the Judge, at least in that class of causes specified by the Bill. [Lord Brougham: Only if the court should send them.] In the Bill of 1833 it was provided that where parties desired such reference, the question went before a Master in Chancery, and he determined whether there should be a reference or not. But one of the most prominent objections which he had to the measure was, that the Judges of the County Courts were originally selected to perform certain duties, and were appointed at salaries of 1,000*l.* a year. Now, with the most perfect respect for those gentlemen, he would say that most of them probably did not enjoy very bright prospects in their profession; they could scarcely be supposed to do so, seeing that they were willing to retire on so very moderate a sum. Those Judges, he would repeat, had been appointed on account of one set of duties, and they now sought to assign to them the performance of another set of duties requiring greater and more improved qualifications. He would put this question to his noble and learned Friend, who once held the Great Seal with much advantage to the public—would he, when placed in that high office, have appointed to the situation of Master in Chancery gentlemen of that rank in the profession which the great majority of the Judges in the County Courts held—he would ask how many of them would his noble and learned Friend have been willing to place in the position of Masters in Chancery? Although he wished to speak of those gentlemen with great respect, yet he begged to observe that many of them had been judges of little local courts. No doubt they had been well and honestly selected, but not for the important and onerous duties now sought to be imposed on them—those 60 men were to go into all the duties which a Master in Chancery performed. They might, under the Bill, be called upon to deal with administration causes of great importance, and those causes which, at the commencement, appeared the most simple, often turned out to be the most complex. In such causes it would be their duty to preside over proofs of debts, to inquire what specific liens affected the estate which formed the subject of the suit, and to determine which were entitled to priority; and the Chancellor or the Vice-Chancellor might direct any portion of these causes to be taken before the Judges of the County Courts. It appeared to him that by such legislation they would waste a great deal of time and incur great expense, besides being a great oppression on the parties. Further, it was not to be overlooked that the country solicitors did not possess the sort of experience necessary for conducting business in a Master's Office. In questions of title and other matters which came before the Masters, the London agents were peculiarly acquainted with the practice; and sometimes it was thought necessary for counsel to attend; and those, too, not strangers to the cause, but persons previously engaged in it, for they alone, in many of those cases, were capable of affording the Master that assistance without which justice could hardly be well administered. But if these inquiries took place in the country, parties must be deprived of such efficient aid. He did not say but that in the course of the year there would be half-a-dozen causes which might usefully go to the Judges of the County Courts; but they surely must not go about creating a system for the sake of those half-dozen causes. However plausible the plan might sound in theory, it would be most unwise thus to employ the Judges of the County Courts in matters of which they could have had no experience. He was therefore opposed to the first branch of these clauses. The second series of clauses might perhaps be adopted with some advantage. These clauses related to the taking of evidence *vivâ voce* in the County Courts. He admitted there were examinations which might most conveniently be taken in the country, which would be much better than the system of written interrogatories and written answers, which prevailed in the Court of Chancery. Still, however, these clauses were not free from objection, and when he considered the facilities of railway communication which were now-a-days enjoyed, they were the less necessary than when the expense and delay in travelling were much greater. It might be desirable that, instead of the present mode of examining witnesses in the country, some other mode should be taken—that the County Court Judges should have the power of taking their examinations *vivâ voce*. He was, however, afraid that if counsel were to attend these examinations, the expenses, in place of being diminished, would be increased. He would not object to try the experiment, although he was not very sanguine as to its success. Under the present system, if the Master made any mistake, any error, in London, there was exception taken to his report; but he ventured to say that the expense, the delay, and the difficulty, on account of mistakes arising from the want of information regarding the practice of the Courts, would, under this Bill, be a very great misfortune. He thought these clauses were framed in the absence of that full consideration which was so necessary in matters of this description. He would be told by his noble and learned Friend (Lord Brougham) that this was a great blunder —that it was all a mistake. He would also be told that these clauses had been approved of by persons high in authority; but, notwithstanding, after having fully considered the subject, he was of the opinion that the first clauses should be omitted. The second he would not oppose.

LORD BROUGHAM said, his noble and learned Friend had told them what he (Lord Brougham) was likely to say. Perhaps they would allow him (Lord Brougham) to state what he really did now intend to say. The noble and learned Lord (the Lord Chancellor) had entirely mistaken the Bill, for the provisions objected to had formed a portion of the previous measure. By the Bill of 1833, *vivâ voce* examinations were directed to be taken in the country under the same circumstances as were provided in the present Bill. The clauses of the present Bill were taken from that Bill of 1833, with some improvements of detail merely. By that Act it appeared that examinations were taken and cases referred into the country which had not been previously inquired into in London at all. His noble and learned Friend had erroneously supposed that by the present measure the cases referred to the County Courts would be those into which inquiry had been previously made. Now this was not the case. The first clause, they would observe, provided for sending matter which was not in the Master's office to the Judge of a County Court. Then, again, there was no provision made in the Bill for causes being referred to the Judges of County Courts under certificates from the Masters—a provision of which he trusted that on the whole their Lordships would approve, for the Master must in such instances be fully possessed of the cause, and he would at once be able to judge as to whether or not it ought to be referred. The Chancellor and Vice-Chancellors had by the Bill of 1833 the power of directing these references, except in cases where the causes had begun in a Master's office. The clause of that Bill to which his noble Friend had referred, was entirely confined to causes pending in the Master's Office. He was enabled further to state that his noble and learned Friend, not then in the House, was favourable to the transfer of a great deal of business from the Masters' offices to the Judges of the County Courts. Having often considered the means of relieving suitors in Chancery from expense and delays in the Master's office, he had always been favourable to sending a considerable portion of the business of those Masters' offices to the local jurisdictions. Then, he would ask, what objections were there to intrusting this power to the Chancellor and the Vice-Chancellors?—they surely would exercise on it a sound discretion. He (Lord Brougham) did not see why any exception could be taken to the examination of witnesses in the County Courts. Many of these witnesses were examined as to mere matters of fact, on which no great difficulty could arise; and the duties connected therewith the County Court Judges were quite as well qualified to discharge as were the Masters in Chancery. His noble and learned Friend had argued, that because these Judges received a salary of only 1,000*l.* a year, they could not be supposed competent to the discharge of the duties imposed on them by this Bill. Now they must recollect that Parliament had voted these Judges 1,200*l.* a year, and they had cut them down to 1,000*l.*, and when they had done so, were they to measure the value of these Judges by the amount of salary they now received? His own opinion certainly was that they ought to have larger salaries, and that the means of securing adequate ability for the discharge of judicial duties ought not to be withheld from a principle of stinginess. He (Lord Brougham) took it on him to say, that these County Court Judges were men fully adequate to the performance of all the duties which this Bill contemplated. If it were their determination to strike out these clauses, he should decline to press the subject any further.

Lord CRANWORTH felt that the altered state of our social relations, by reason of the facility of communication, had in the course of the last twenty years made the provisions of this measure less beneficial than they would have been twenty years ago. Still he thought the measure would be a benefit and an improvement on our present system, and he saw nothing objectionable in the clauses under discussion, by which the Chancellor, Vice-Chancellor, or Master of the Rolls (when it should be made appear to them that any accounts or inquiries in any cause might be more effectually taken in the country), would have the power to direct that such accounts or inquiries should be taken by the Judges of the County Courts. Now surely this was an innocuous clause. His noble and learned Friend (the Lord Chancellor) had asked, how could the Judges know that it would be more convenient to take the inquiry into the country? It was true there was some difficulty; and if there was any real ground for doubt, he (Lord Cranworth) admitted the references must be made as heretofore, to the Master in London. Then it had been suggested that the power should be qualified, and only apply to cases in which both parties consented. But he thought the clause was better framed as it stood, because every one acquainted with the Courts must know that when parties were called on to consent to anything, the counsel on one side or the other are often obliged to withhold that consent on the ground that they have no instructions. It was far better that the hands of the Court should not be tied up, and that in cases in which the Court was satisfied it was desirable, on the showing of one of the parties, it should have the power of so directing a reference to the County Court, though the other party would not give his consent. He quite agreed with his noble and learned Friend (the Lord Chancellor) that it was highly undesirable, and nothing would induce him to give his consent to any measure which should have the effect of transferring to the County Courts all the functions now exercised by the Masters in Chancery. But because there were many inquiries of importance, in which it would not be proper to employ a County Court Judge, it did not follow that there were not others of no difficulty, in which they might be usefully employed. Supposing, for instance, it was necessary to inquire who were the next of kin of a deceased tradesman at Penzance or Carlisle. Even now, when such a matwas in the Master's office, advertisements were circulated through the papers in the locality, calling on the next of kin to come in and state their claims. All was done by directions from London in the local papers; and why—if the Court was satisfied, it could be more cheaply and better done—why not have the power *pro hac vice*, of requiring that it should be done in the country, and of making the local Judge a Master in Chancery for the purpose of that inquiry? With all deference to his noble and learned Friend (the Lord Chancellor), he could not feel the force of the objections which he had urged against this clause. As far as it went, it was positively beneficial, being a move in the right direction to enable them to see how far legislation might be extended in that very proper direction. He believed, in doing this, they were adopting a course analogous to the practice of the Scotch Courts, where matters were often referred to accountants, not officers of the court at all. It was a course likely to be attended with no disadvantage, but with some advantage; and certainly with the great advantage of determining how far they could proceed further in the same direction.

Lord CAMPBELL was prepared to support several objections of the noble and learned Lord (the Lord Chancellor) against the arbitration and reconcilement clauses of the Bill; but with respect to his objections to the equitable clauses, he could not concur with him. It had been very goodhumouredly said in his absence, that he was a postulant in equity, though he had pledged his irrevocable vows to Common Law, and therefore he should claim to give his plain and honest opinion on all the important clauses of the Bill. He did not think the County Court Judges were so incompetent as they had been represented. It had always been contemplated that certain questions in equity should be referred. In the Bill of 1833, and in the Bill of 1846, there were clauses very much resembling, though not going to the full extent of, the clause under discussion; still the purport of the clauses contemplated a reference of certain matters to the County Courts. He spoke with some confidence, because he had had the benefit of a conference on the subject with his noble Friend Lord Langdale, and Lord Langdale said he many years ago suggested the clause, which was now part of the Bill, and he had always maintained that it was desirable to give a power of this kind for the purpose of referring questions to the County Courts. Seeing, therefore, no reasonable ground for striking the clause out, now that it was introduced, he (Lord Campbell) should support that provision of the Bill.

The LORD CHANCELLOR said, that there were inquiries which could be managed as proposed by this measure, but these instances did not occur in such numbers as to warrant their present legislation. Very few of such cases had occurred in the experience of his noble and learned Friend the Vice-Chancellor. There were many cases out of which important considerations often arose, which could not be referred to the jurisdiction of the County Court Judges. There were cases of lunatics, of infants, of married women, and various other classes, where it was of great consequence the functions of the Masters in Chancery should not be delegated or transferred to others. Great and important principles would come on for discussion; or disputed facts, or questions, say of the construction of a will, or other matters of difficulty which, in the Equity Courts, would not be considered as fitted for the Master's office. Let his noble and learned Friends consider the causes that would have to be tried of the most difficult nature. There might be many cases such as had been suggested, where the next of kin of a tradesman were required; but these cases were often more difficult to adjust than the claims of the next of kin of peers; for when the next of kin were advertised for, it was not known who they were. Or there might be questions relating to marriage—whether, for example, registration had taken place in an adjoining parish, because the church of the parish in which the parties resided had been pulled down; but he would venture to say such cases did not occur once in a year. Generally speaking, the cases would, he thought, be likely to be of such a description that these Judges should not be selected to do the business of them, and the irregularities in the clauses would cast a great burden upon the Courts; and it should be remembered that these were questions of equity, and not mere matters of account. Inasmuch as these duties were of a very onerous nature—inasmuch as it could not possibly be decided until the case came on before the superior Court whether it could be sent to the County Court or not—he objected to this Clause, but would not divide against his noble and learned Friend. The other Clauses would also require alteration.

After a few words in explanation from Lord Brougham, the Clause was agreed to. Clauses 14 to 21 were severally agreed to.

On Clause 21 being proposed,

The LORD CHANCELLOR said, that, by this clause, the interrogatories, depositions, pleas, and other papers in the suit, might be forwarded by post. Thus, the person who received these documents from the Commissioner under the authority of the Court, who sealed them up, and was sworn never to part with them until they were opened and delivered to the parties, yet sent them through the Post Office without the slightest precaution being provided.

Lord BROUGHAM would consider the suggestion.

On Clause 22, "Powers of Judges may be exercised by Clerks of County Courts,"

The LORD CHANCELLOR objected to the clerks of the County Courts being authorised to exercise all the powers given to the Judges, unless the order directing the inquiry should otherwise direct. How was it possible for the Lord Chancellor or Vice-Chancellor, or Master of the Rolls, to exercise any discretion whether the power should be extended to the clerks of the County Courts, without knowing what the matter would turn out to be which they would have to perform?

Lord BROUGHAM said, that the acts permitted by the Bill to be done by the clerks were merely ministerial acts, as taking examinations, or interrogatories, and the like; but, on the suggestion of his noble and learned Friend, he had no objection to limit expressly the operation of the clause to cases in which there could be no doubt, and leave out the power of taking *vivâ voce* evidence.

After some further conversation, Clause 22 was struck out. Clauses 23 to 26 were respectively agreed to.

On Clause 27, "Barristers, whether instructed or not, may appear on behalf of parties,"

Lord CAMPBELL said, that a former Act forbade Barristers coming into Court and pleading for parties, unless instructed by an attorney. He did not think that this should be absolutely prohibited; and his own first judgment, upon coming into his present office, and which was agreed with by his brother Judges, was, that a Barrister might plead a cause on circuit, and, under certain other circumstances, without the intervention of an attorney. He saw no reason for placing these Courts in a different position in this respect to the superior Courts, or that a Barrister should be positively prohibited by law from appearing, whatever the circumstances or exigency might be, unless instructed by an attorney. So far as the superior Courts were concerned, he believed that the etiquette, the discipline, and the public opinion of the Bar would be sufficient to prevent the practice of Barristers accepting a brief except through the medium of an attorney; but he doubted whether these would be sufficient to check the adoption of the practice in the County Courts. It was for this reason that a clause expressly forbidding Barristers to appear in any case without the instruction of an attorney was introduced into the original County Court Act. The reason was as strong now as when County Courts were first established. He moved, therefore, that the Clause be struck out.

Lord BROUGHAM said, he had objected to the clause in the Act of 1846, which, for the first time, introduced any restriction on the subject; because, as his noble and learned Friend knew, there had been, independently of that provision, no restraint whatever on a Barrister appearing in any Court without instructions from an attorney. His noble and learned Friend said that the etiquette might be trusted; and he agreed with him, as regarded that etiquette which, from a sense of duty, prevented any person from appearing in Court without instructions, that it had a wholesome and salutary effect. But he wished the same etiquette to prevail in the County Courts. Let it be left to the conscience and discretion of the counsel attending the County Courts, as in the other Courts, whether, and when, and in what cases, they should appear without instructions from an attorney.

The LORD CHANCELLOR expressed some doubts as to the education and character of the race of men who would spring up combining the capacity of attorney and advocate. He agreed with his noble and learned Friend (Lord Campbell), that the etiquette of the superior Courts imposed a salutary check upon the practice referred to; because, though a few cases of abuse had occurred, yet the professional opinion was found quite sufficient to check them; and he was quite sure if such a practitioner went the circuit he would be reduced to dine alone. But he feared the liberty allowed by this clause would go to encourage a few individuals who, even now, departed from the salutary etiquette of the profession, and were to be found lurking about the gaols, making the acquaintance of the turnkeys, or even of the inmates themselves, and haunting the purlieus of the police courts; and he would ask his noble and learned Friend, whether he was prepared to sanction the conduct of such individuals? The County Court Judges had not the means of discountenancing the system which the Judges in our superior Courts had; and, therefore, they required more protection to put down the system, which was so ready to spring up in these Courts, of practitioners bargaining with suitors for remuneration according to the degree of their means, and all those other evils which the lower portion of the profession was so much exposed to. It would certainly be improper to admit in all cases a Barrister to come into Court and plead without the usual instructions; and he would submit to his noble and learned Friend's consideration, whether it was necessary, or whether it would add respectability and standing to these Courts, and tend to protect the public from incompetent practitioners, if the clause were to pass in its present affirmative form, that any Barrister might appear in Court on any proceedings without instructions from an attorney?

LORD CRANWORTH would give no opinion on the point, whether the clause ought originally to have been inserted in the Bill of 1846; but having been so inserted, he thought evil consequences would ensue from its repeal, and therefore he objected to the present clause, which went to repeal it.

LORD BROUGHAM said, that a more frightful picture of a base and abandoned race of profligate practitioners artist never painted than than that which had been sketched by the experienced hand of his noble and learned Friend the Lord Chancellor. If such a race of men existed as his noble and learned Friend had so graphically described, the retention of the enactment of the Bill of 1846, declaring that they could not practise in a County Court unless instructed by an attorney, would operate as the slightest possible check upon their malpractices; for, suppose a County Court Judge should ask one of these gaol-frequenters whether he were instructed by an attorney, he doubtless would reply at once, "Yes, Sir; I am instructed by two." It was not likely that a Judge would stop the progress of a cause to try the collateral issue thus raised. It certainly appeared to him that gentlemen who associated with the rest of the profession would not be generally of the character described by his noble and learned Friend, or lend themselves to the underhand proceedings of profligate parties; and he believed that the view of his noble and learned Friend would prove not a little exaggerated.

Clause negatived.

On Clause 27, enacting "that if both parties agree, whatever the action or amount of claim, such action may be tried by a County Court," being read,

The LORD CHANCELLOR observed, that by the provisions of this and the following clauses, actions of any kind and of whatever the amount involved, might, if both parties agreed, be tried in the County Courts; and, as it appeared to him, the Judges might decide them, not by any known and recognised rules, but arbitrarily. How was this to go on, even where the Judges were of the greatest authority, except by agreement of the parties? But the parties might be resident in different parts of the country. He doubted very much whether these two clauses would not put the County Court Judges in a state of great embarrassment. The words of Clause 28 were, in enacting that any cases might be tried—

> "Whatever be the kind thereof, or whatever the amount of debt or damages claimed, or whatever be the subject matter in dispute, anything in the said 17th section contained, or in the said Act of the 9th and 10th years of Her present Majesty, cap. 95, contained to the contrary notwithstanding, and local as well as other actions may be tried in any county court in which the parties are agreed, and signify such agreement in the memorandum."

Then came the next Clause connected with it, which provided that—

> "The parties may agree to any terms on which the action shall be tried, both as to whether with

or without a jury, whether by a jury of five or of twelve (depositing five or twelve shillings, as they may agree, according to the 71st section of the 9th and 10th Victoria, chapter 95), whether with or without examination of parties, with what delay and notice of trial, with what access to letters, papers, or other documents, before what Judge in case a new trial shall be granted, also touching the execution of the judgment, by what instalments the sum ordered shall be paid, if not to be paid at once, what possession of any land or of any chattels shall be given, and at what time, and under what penalties of fine or attachment, in case of refusal, and, whether the judgment shall be final or subject to appeal, and, generally, as to all matters touching both trial and execution; and all such terms so agreed upon shall be inserted in the memorandum of agreement; and the trial and execution shall be according to such agreement in all respects; and in all such cases any party dissatisfied with the determination or direction of the court in point of law, or upon the admission or rejection of any evidence, may appeal in the manner laid down by the 14th and 15th sections of the 13th and 14th Victoria, chapter 61."

Surely this went beyond all reasonable bounds, and must lead to the utmost possible confusion, to require any Judges to discharge these manifold duties. He knew not what parties to the proceedings would not be prejudiced by such a provision; and the worst of it was that they would be prejudiced, not by any known rule, but by arbitrary will. The clauses were, in his opinion, decidedly beyond what they ought to be.

Lord BROUGHAM supposed that his noble and learned Friend knew that such a clause was in the existing Act—that by the parties signing a memorandum of agreement, the County Courts might try any action to any amount, there being a doubt arising from the varying of that clause whether some actions were excepted which had not been excepted by the Act of 1846. But they might try "any amount of damage," and any action involving title to land, whether freehold, copyhold, leasehold, or any matter relating to matters of markets or fairs. But the doubt had arisen as to the construction of the Act of 1846—an objection he believed not to be well founded; therefore he thought he had succeeded in comprehending in this clause the intentions of the original clause, and it had appeared to him that the point ought to be definitively settled. These clauses were framed in conformity with the general scope and object of their legislation, which was to throw open the County Courts as widely as possible with the consent of the parties; the proposed clauses would enable parties to try their own causes at their own doors and in their own way, instead of being compelled to incur expense and delay by carrying their suits to a distant tribunal. He could see no objection to the clauses unless it was that his noble and learned Friend looked with dislike upon courts of local jurisdiction.

The LORD CHANCELLOR said, the noble Lord was mistaken on that point. He did not object to the existing jurisdiction of the County Courts, but he objected to extending it.

Lord BROUGHAM expressed his conviction that his noble and learned Friend, if in the House last Session, would have objected to the extension of jurisdiction in the County Courts of from 20*l.* to 50*l.*

Lord BEAUMONT objected to the clauses in question, on the ground that they enabled parties to take their causes to any Court. Now, the last Act only empowered them, provided both the plaintiff and defendant agreed on the point, to take them to any Court within a district of twenty miles, unless indeed the causes came within the exceptional ones mentioned in the Act. If any doubts had arisen respecting the jurisdiction afforded by the last Act, he was willing they should now be dispelled, but he was disinclined to grant the extensive powers Clauses 27 and 28 conferred.

Lord CAMPBELL objected to the clauses, thinking that their Lordships ought to conform to the enactment of last Session upon this subject. The power conferred by the existing Act had never been called into operation, and its extension, therefore, appeared to be uncalled for.

Lord CRANWORTH thought it very desirable that local actions should be confined to local jurisdiction.

Earl GREY said, the clauses now under consideration would have the effect of preventing a proper distribution of jurisdiction throughout the country. A County Court Judge who had gained a reputation would have his hands full of causes from all parts of the country, while the proper business of his own court would be neglected.

Lord BROUGHAM said, that with such an amount of legal and other opposition against him, it would be perfectly hopeless to divide.

Clauses 27 and 28 were then struck out.
Clauses 29, 30, and 31 agreed to.

On Clause 32 being read, which provided that on new trials the venue might be changed, The LORD CHANCELLOR said, the effect of this clause would be to compel the plaintiff to bring forward all the witnesses again to prove his case, though the defendant might not in the first instance have appeared. Supposing the plaintiff to have received no notice of the intention of the party to defend the action, he might go unprepared with his witnesses, and then the defendant, taking advantage of that want of preparation, might succeed through a clever attorney in defeating a lawful claim.

LORD BROUGHAM said, that, supposing the defendant not to have given the proper notice of his intention to defend, information to that effect, if given to the Judge on the day of trial, would, doubtless, be followed by a postponement of the cause.

The LORD CHANCELLOR thought that if the plaintiff had not been served with notice of defence, judgment ought to go by default.

LORD CAMPBELL observed, that in the superior Courts when the defendant failed to appear, judgment went by default, without declaration. He thought it would be a great improvement, when the defendant was informed of the plaintiff's demand, and he admitted it, and served no notice of his intention to defend, if that admission and non-service were taken, *pro confesso*, as an acknowledgment of the debt.

The clause was postponed, so also was Clause 33. Clause 34 was agreed to.

On Clause 35 being proposed to stand part of the Bill,

LORD BEAUMONT said, that if this clause was agreed to, the litigant parties would not be sure of having a court once a month for the trial of their causes, and that unless the Judge held two courts in a month instead of one, speedy justice would not be obtained.

LORD BROUGHAM believed the clause would have a salutary effect, and that it would have a much more salutary one if it went further, and confined the attorneys to the courts of 20*l.* jurisdiction, and the barristers to the courts of 20*l.* jurisdiction and upwards. He had not proposed any such compulsory provision, but he thought the tendency of the clause as it stood would be to confine the bar to the courts of larger jurisdiction, and the attorneys to the courts of smaller jurisdiction. He was averse to mixing up the two branches of the profession. On the contrary, he thought the further asunder they were the better. He presumed the Judge would go to the smaller courts once a month, and to the larger courts once in every two months.

The LORD CHANCELLOR thought the public would feel satisfied if one day were set apart by the Judge for hearing defended causes, and another day for hearing undefended causes, because, if some such arrangement as this was not made, a defended cause for the recovery perhaps of a few shillings might for hours retard the disposal of scores of undefended causes involving large amounts.

The Committee divided:—Contents 4; Non-contents 14: Majority 10.

Clause struck out.

Clause 36 withdrawn, and Clause 37 agreed to.

On Clause 38 being proposed, which provided that a commission should issue to inquire as to courts of local jurisdiction other than County Courts,

LORD CAMPBELL said, he considered the clause wholly unnecessary, and that he viewed its introduction into an Act of Parliament with great apprehension, the more particularly as Palace Courts and other courts of that description might be abolished without it.

LORD BROUGHAM would not press the clause, and it was accordingly withdrawn, as was also Clause 39, on an objection raised by Lord CRANWORTH.

On Clause 40, allowing Attornies and Solicitors' Clerks to practise in the County Courts,

LORD BROUGHAM, meeting the objections which had been raised in the previous discussion to the privilege which he proposed to concede to attornies and solicitors' clerks to practise in these courts, observed that the object of the clause was chiefly directed to the metropolitan districts, where there were many most respectable solicitors and attornies, who could not possibly, in consequence of the extent of their business, find time to attend personally in the County Courts, but who kept clerks in every way competent to perform the duty. At present clerks were allowed to appear at Judges' Chambers, in the Master's Office, in the Court of Bankruptcy, and in Magistrates' courts; and he could see no objection to their appearing in the courts to which this Bill referred. To prevent their doing so, would be, in many cases, to deprive the suitors of the benefit of the aid of the most respectable members of the profession.

The LORD CHANCELLOR rose to object to the clause.

Lord BROUGHAM: If you object, I will withdraw the clause at once.

The LORD CHANCELLOR: I do object.

Clause negatived. Clause 41 struck out.

Lord BROUGHAM said, he would not now give their Lordships any trouble regarding the postponed clauses, although he nevertheless retained his opinion, and was well convinced that they would have introduced a great improvement into the County Court jurisdiction. The Courts of Reconcilement, he believed, would be a great step gained in the course of radical improvements in the judicial system of the country. He was fortified in the opinion he entertained in their favour, by the dark picture drawn by the experienced hand of his noble and learned Friend that night, of a certain class of persons who frequented the courts. Anything, therefore, which would have the effect of bringing the parties themselves before the Judges, to the exclusion altogether of these malpractitioners, would be a great good gained, the more to be valued that they had an enormous evil to deal with. The system he proposed prevailed in France, in North Germany, in Switzerland, and in Denmark, and in all, especially Denmark, had been attended with success; and unless human nature were something quite different among our neighbours on the Continent from what it was in this country, the introduction of the system here would be a most important and most beneficial improvement introduced into the courts of law. He would confine himself to stating the results of the experience of the people of France, which had been greater than in countries in the north of Germany, in Switzerland, or even in Denmark. The average number of cases during the years 1847 and 1848, brought each year before the *Juge de Paix*, who was the Judge of the Court of Reconcilement, was 999,000 and odd, or nearly a million. That was under the improved process since the alteration was introduced by the law of 1838. The parties were hardly ever attended by professional men during the hearing in the court except in great towns; and the result of such hearing was, that of the number he had named 723,000 causes were settled amicably by the advice of the Judge, and 276,000 were not so settled. The cases thus settled and unsettled, included those of small amount in which the jurisdiction of the *Juge de Paix* was final, namely, sums of 1,000*f.* (40*l.*) and under. The cases brought before the same courts for sums of larger amount were 60,000 a year, and of these one third were settled. In Denmark nine-tenths of the causes were either settled amicably at once by the advice of the Judges of these Courts of Reconcilement, or were settled before the litigation had proceeded beyond a single step. It had been objected that such a system would enable parties who had no intention of coming to an arrangement through these courts to obtain a knowledge of their opponent's case; but our object should not in all cases be the interest of the parties in the suit, but the interest of justice; not to mention that it was a party's own fault if he chose to tell more of his case than was consistent with his own interest. These were the results supplied by the experience of other countries, and he did not know whether the noble and learned Lord would still persist in opposing the clauses.

The LORD CHANCELLOR: Yes.

Lord BROUGHAM then consented to the first twelve clauses of the Bill, respecting the Courts of Reconcilement, being negatived. But sooner or later this great improvement, though postponed, would, he felt confident, be carried.

Classes 1 to 12 put and negatived.

Report to be received on Thursday next.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, April 8, 1851.

Minutes.] Public Bills.—1ª Lodging Houses; Stamp Duties Assimilation; Property Tax. 2ª Small Tenements Rating Act Amendment.

ST. ALBANS ELECTION.

Mr. AGLIONBY wished to call the attention of the House to a petition which had been put into his hands from Henry Edwards, who had been committed to the custody of the Serjeant-at-Arms under Mr. Speaker's warrant. The petitioner stated that he was now in custody; that he had never, to his knowledge, committed a Breach of the Privileges of that House; and submitted that he ought not to be condemned unheard, nor punished by imprisonment, without having an opportunity of making his defence. He further stated that he was ready to go before the Committee and answer every question they might desire; and prayed that he might be set at liberty on undertaking to obey the directions of the House. He begged to move that the petition of Henry Edwards be printed with the Votes, and taken into consideration to-morrow.

Mr. HUME wished to ask if the petitioner had not voluntarily surrendered himself?

Mr. AGLIONBY replied that he had done so.

Mr. EDWARD ELLICE said, he could have no possible objection to the Motion, but he could throw no more light on the subject than he did yesterday, unless the House should order the shorthand writer's notes to be printed. This person, Henry Edwards, was committed by the House, not as an absent witness, but for having concealed others, and by corruption. It was on that ground this man had been declared guilty of a Breach of Privilege, and that he was committed to the custody of the Serjeant-at-Arms. It was the unanimous opinion of the Committee that he should be committed, and he was quite sure the Committee would be unanimously of opinion that he should not be discharged.

Sir R. H. INGLIS wished to know if the matter was to come on at twelve to-morrow?

Mr. SPEAKER said, the Motion was not that it come on at twelve to-morrow, but that it come on to-morrow.

Sir R. H. INGLIS said, then, as there were several other matters which would take up a great deal of time, this would not come on at all.

Mr. AGLIONBY must appeal to the right hon. the Speaker, whether this man, being in custody, and asking for his discharge on certain allegations, was not entitled to be heard?

Mr. SPEAKER said, he was not entitled.

Mr. AGLIONBY said, he should move that the petition be considered to-morrow. A member of the man's family had felt it very much—his wife.

Mr. GOULBURN said, it would be a bad precedent to accede to a petition on the ground of family circumstances.

Motion *agreed to.*

Mr. EDWARD ELLICE informed the House, that the Agent for the petitioners having been examined before the Committee, has declared that the evidence of James Skegg and Thomas Burchmore is most material for the purpose of substantiating distinct acts of bribery against the Agent for the sitting Member, and that notwithstanding warrants have been issued, and the utmost exertions have been used to serve such warrants upon the said James Skegg and Thomas Burchmore, and to procure their attendance before the Committee, all such attempts have hitherto failed in securing that object. Under these circumstances he should move that James Skegg and Thomas Burchmore, having absconded from the service of a warrant, have been guilty of a Breach of Privilege.

Mr. HENLEY said, the hon. Gentleman said the Agent stated that the evidence of these witnesses was necessary; he did not say that the Agent stated upon his oath that he had any knowledge these parties had absconded.

Mr. EDWARD ELLICE said, the depositions of these people were taken upon oath, and the Agent swore that their evidence was necessary to substantiate distinct acts of bribery; that after having made those depositions, warrants were issued against them, which were sent to their homes and their places of occupation; but they were absent, and had not hitherto returned to them. Advertisements had been inserted in the newspapers offering a reward, the police had been put on their track; but notwithstanding all these steps, they were not to be found. He contended, therefore, that they were wilfully absent, and under these circumstances he made this Motion.

Resolved—

"That James Skegg and Thomas Burchmore, having absconded in order to avoid being served with Mr. Speaker's warrant, have been guilty of a breach of the Privileges of this House."

Ordered—

"That James Skegg and Thomas Burchmore, having committed a breach of the Privileges of this House, be committed for their said offence to the custody of the Serjeant-at-Arms attending this House, and that Mr. Speaker do issue his warrants accordingly."

TURKEY AND PERSIA.

Mr. URQUHART begged to ask the noble Secretary of State for Foreign Affairs what progress had been made towards the settlement of the frontier between Turkey and Persia, and whether the rumour that Astrakan had been ceded to Russia was correct; and also whether there was any truth in the report that the Turkish Government were negotiating a loan with this country?

VISCOUNT PALMERSTON said, that if the hon. Gentleman would, in private, inform him what specific details he required for any purpose he might have in view, they should be readily supplied to him. The House was aware that the British and Russian Governments had for some years past been mediating between Turkey and Persia in relation to various differences that had threatened to involve those Powers in war, both of which insisted very pertinaciously, and often very wrongly, on their supposed rights; but he was happy to say that an arrangement was very likely to be made which would settle the main question, and leave only the local matters to be decided by the commissioners. The mediation, in fact, commenced under the late Sir Robert Peel's Government. By this mediation a treaty of peace had been effected, in which certain lines of boundary were described, and under which certain towns, which had been matters of dispute, were to be given up on either side. Four commissioners, an English, Russian, Turkish, and Persian, were appointed to mark out the boundaries indicated in the treaty, but no satisfactory progress had for some time been made, owing to the tenacity with which the Mahomedan commissioners insisted on their respective pretensions. He understood, however, that of late better progress had been effected, and that the survey was advancing towards completion. With respect to the report that Astrakan was to be ceded to Russia, he had to state that it was entirely unfounded. It most probably had arisen from the wish of the Russian Government to maintain a number of hostile buildings on their frontier. As to the loan to Turkey, nothing could be farther from the intentions of the British Government than to have anything to do with a foreign loan. The experience of the last few years had been quite lesson enough. There had certainly been a proposition submitted to various private persons, but the Government had nothing to do with it.

CHURCH RATES.

MR. TRELAWNY rose for the purpose of moving the following Resolution:—

> "That a Select Committee be appointed to consider the law of Church Rates and the difference of practice which exists in various parts of the Country in the assessment and levy of such Rates; and to report their observations to the House."

The hon. Member said, that it was then too late to contend that Church Rates presented no grievance; people would not readily credit this who were aware of the past history of the question. It was enough to say that for fifteen years previously almost every leader of every party had deprecated a continuance of the existing state of the law, and the mischiefs arising out of it. Sir Robert Peel, Lord Stanley, the Premier, and most of the Members of his Government, had at various times expressed their feelings very strongly on the subject; and unless they were to suppose that Parliament was a mere debating club, where any subject might be proposed for discussion, and where no one was to be understood to bind himself by professions of earnest zeal to amend the condition of society, to gratify on gaining office the expectations he had raised, it would seem to follow that no one party in the House was in a situation to affirm, upon its honour, that legislation of some sort was not imperatively demanded. He would not weary the House by long extracts from *Hansard;* he had dwelt sufficiently upon what might be called "the argument of authority" on the last occasion on which the subject had arrested the attention of Parliament; and any Gentleman who might be curious to know what individual Members had said on Church Rates, might find numerous extracts in the debate which took place on the occasion alluded to. He would, therefore, only make one brief quotation from the speech of a noble Lord, the head of a great party, who, should he ever come into office, he considered was pledged to introduce at once a measure on the subject. Lord Stanley thought and was ready to acknowledge "that Church Rates, as they stood, formed to Dissenters a serious and substantial grievance." It might be urged in objection to the Motion, that the Dissenters were comparatively tranquil and uncomplaining at the present time, and that the grievance was probably little felt. How far that was true, he should have occasion to show: but even if it were true, he had yet to learn that a period of excitement and acrimony was the best time for removing a grievance, or that patience was any ground for continuing persecution. He said that, precisely because there was now an opportunity of legislating calmly and deliberately should that opportunity be earnestly embraced. Some degree of quiescence might be ascribed to the fact that in large and populous towns Church Rates are practically obsolete. Indeed, wherever the Dissenters were in a majority, or wherever they could command the assistance of a majority, Church Rates could generally be successfully resisted. He believed he was warranted in saying that in the borough he had the honour to represent, no Church Rate had been levied for many years; and yet the church had been restored, improved, and adorned in a manner which excited the admiration of every person of taste, and that entirely by the action of the voluntary principle. Indeed, in that instance there had not been wanting examples of liberal contributions from Dissenters themselves. But, with respect to the interest the question had excited in times past, nothing proved it more completely than the number of plans submitted to that House for the settlement of the question. There was the plan of charging the land tax with 250,000*l.* to be paid to the Commissioners for Building Churches; and, in certain cases, the cost of providing for divine worship was to be defrayed from funds arising out of pew rents. But how was this any relief to the Dissenters? In one sense it was an aggravation of the grievance, because it converted a contingent and defeasible liability into a certain demand. As it was, there was at least the chance of defeating the rate—either by nominating churchwardens favourable to abolishing the rate, or by proposing nominal rates, or by other means. But from the moment the charge was transferred to any portion of the public income, the grievance became fixed, permanent, and inevitable. Then came the plan of the late Sir Robert Peel, which proposed to charge Church Rates upon the Consolidated Fund, which was no more satisfactory to the Dissenters than the plan already described. Next, there was the plan of Mr. Spring Rice, which involved the following Resolution:—

> "That it is the opinion of this Committee, that for the repair and maintenance of parochial churches and chapels in England and Wales, and the due celebration of divine worship therein, a permanent and adequate provision be made out of an increased value given to Church lands."

This plan, however, met with an amount of opposition by which it was virtually defeated. A Committee was formed subsequently, to inquire into the mode of granting and renewing Church leases, which ultimately eventuated in the creation of a large annual fund, now applied to the extension of the Church. Again and again

Mr. Trelawny

had the subject been opened, and with various success. But he thought he had adduced enough to prove the interest the House had always taken in the matter, and he wanted no higher justification for the Motion he was then submitting. It was time to sketch the state of the law on this subject. The first Braintree case occurred in 1837. In that instance the churchwardens, having duly convened a parish vestry and proposed a rate for the necessary repairs and expenses of the parish church, which a majority of the assembled parishioners refused to make, a rate made by the churchwardens alone at a subsequent meeting and on a subsequent day, was decided in "Burder *v.* Veley" by Lord Denman, in the Queen's Bench, to be illegal and void. It was worth remarking that in his judgment Lord Denman plainly laid it down that "churchwardens are only liable in respect of moneys which come to their hands." This was very important, because the contrary supposition was part of the argument of those who took an opposite view. He quoted Chief Justice North, it was true, to show that the spiritual court might excommunicate every inhabitant if the church was left unrepaired, but yet could impose no tax. Further, he did not deny that if a vestry were regularly called, and no one attended but the churchwardens, they might then make a rate; but he did not decide this point. It was right to state that Lord Denman distinctly laid it down, "the parishioners are charged with the repairs of the body of the Church. Neither does he deny "that the churchwardens are liable to spiritual censures if they neglect their duty." But if parishioners refused, he evidently did not think the churchwardens could be visited with any legal punishment. If they could, there would be a wrong without a remedy; but, that not being so, the argument fell to the ground. On appeal to the Exchequer Chamber, this decision in "Veley *v.* Burder" was confirmed by Chief Justice Tindal. But he laid it down in the most unqualified manner that the parishioners were liable to repair the body of the church, and that by the common law of England. To show the antiquity of Church rates, he cited a case of the time of Edward III., in 1370. His language on this liability was very precise:—

> "The repair of the church is a duty which the parishioners are compellable to perform; not a mere voluntary act, which they may perform or

decline, at their own discretion; the law is imperative on them absolutely, that they do repair the church; not binding on them in a qualified limited manner only, that they may repair or not, as they think fit; and that, where it so happens that the fabric of the church stands in need of repair, the only question upon which the parishioners, when convened to make a rate, can by law deliberate and determine is, not whether they repair the church or not, but how and in what manner the common-law obligation, so binding on them, may be best and most effectually, and at the same time most conveniently and fairly between themselves, be performed."

The second Braintree case arose out of the first. In that case it was decided that a rate could not be made by the churchwardens alone met together without the parishioners, and without their having been summoned. But, in the course of his argument, Mr. Justice Tindal let fall a remark which seems to have served as a hint to the supporters of Church Rates to adopt another mode of conducting their case for the general establishment of the legality of rates obtained against the opinion of a majority of the parishioners. That remark was as follows:—

> "We do not enter into the discussion whether a rate made by the churchwardens at the parish meeting, where the parishioners were then met, would have been valid or not; or how far such case might be analogous to a corporation aggregate, of which some members protesting and refusing to vote, as bound in law to do, are held to throw away their votes, and the act of the minority, in conformity to law, holds good without them."

The church, it seems, had got out of repair, and a monition issued from an ecclesiastical court, requiring the churchwardens to call a vestry for the purpose of making a rate. Notice was given, a meeting held, a survey produced, and a rate of two shillings was proposed. An amendment was moved against Church Rates on principle, and refusing any vote for the purpose, and was put and carried. Upon this the churchwardens and minority made a rate, and proceeded upon it. It was decided in the Queen's Bench that this rate was good. This was the case of "Gosling *v.* Veley;" and the judgment given was confirmed on appeal to the Exchequer Chamber. It was thus an established point, unless the decision should be appealed against, that a minority could make a rate. It was true there was still a possibility of immense litigation. Indeed, the present state of the law of Church Rates looked like an ingenious mode of keeping alive the dying embers of sectarian rancour. It was a very great question whether they would ever hear of the existence of such a body as the Anti-State-Church Association, if there were no such law as that of Church Rates. Why, said the hon. Gentleman, the position into which these judicial legislators have brought the law by a series of decisions is almost worse than if we were to readopt the law as it existed in the early times of the Church. For, then, the only consequence of a refusal to pay Church Rates was interdict and excommunication, penalties which in these days, so far from possessing terror, would almost be regarded with indifference. A minority make a rate! Can it be possible that the right of the people to tax themselves in a free country can thus have been undermined? As Sir Fitzroy Kelly argued, it is ship-money over again.

> "It was contended that the country was bound to provide the means of carrying on the war; and then it was sought to infer that (other means failing) a tax might be laid on without Parliament. Mr. St. John, the counsel for Hampden, admitted the general principle, but denied the inference. We are morally bound, at all events, to support the Crown by votes in supply; but what would be thought of an attempt in these days to dictate to the people what should be the amount proposed?"

A minority make a rate! We might as well let a minority of Judges make the law—in which case the late decision would be reversed. But, it is said, property is acquired subject to the liability, and therefore there is no grievance. If, however, the public evil of Church Rates be greater than the public advantage, this otherwise powerful argument loses much of weight and authority. But there is another mode of meeting this objection. If for good public ends it be desirable to tax particular individuals, and if the vendors of their property were already virtually taxed in the price of sale, why not levy the same amount as an education rate, or even a police rate—in short, for some purpose in the benefit of which all can participate? This argument, that property is acquired subject to Church Rates, is open to these objections. First, it is not strictly true. But, if true, it is not conclusive against the proposal he had to make; and then, still further, it might be said to prove too much. It is not true that property is acquired subject to the tax. It is only of late that it has been established that Church Rates are otherwise than contingent upon voluntary grants. In many towns they are systematically refused, and will probably never be granted again. In fact, they are a personal charge, not a charge on land. In theory every one is liable to pay Church Rate, or risk excommunication. And take the case of a man who has no property and begins to acquire it; why is he to be mulcted for the support of a Church whose tenets he disallows? But, admitting the liability of all property, he asked if no tax could be legitimately abolished which all were liable to pay? On this principle, there never could be a reduction of taxation at all. How could the expenses of prosecution have been transferred to the Consolidated Fund, if the principle thus contended for were fixed and irrefragable? How came a fourth of the tithe in Ireland to be given up? Simply because it was not expedient, for social reasons, to continue to raise the old amount of tithe; and that was precisely what he argued in the case of Church Rates. In short, the argument proved too much. It went the length of tying the hands of Parliament altogether wherever a fixed tax has existed for long periods of time. It has been said that Church Rates and tithes stand precisely upon the same footing; but see the difference between the cases. Tithe is a charge upon land—definite in amount, and not contingent upon the consent of the parishioners. Church Rates are perfectly uncertain, and are, as to amount at least, determined by the decision of a vestry. A nominal rate may, despite the recent judicial decisions, be proposed and carried; and though it may be argued that a succession of nominal rates would be as good as one adequate rate, this is not so in practice, it being understood that a nominal rate has been tried, and won't repay expenses of collection. Then in the case of tithe, the sanction is summary and effective. In the case of Church Rates, there is no adequate sanction. The question, therefore, is, whether is it worth while, by a pedantic adherence to a principle drawn from the analogy of tithes, to keep Churchmen and Dissenters in perpetual hot water for so insignificant an object as a nominal rate, contingent upon an inadequate sanction? It is difficult to a Dissenter to understand why Churchmen should not pay the expenses of a church where they alone assemble. Look at the very numerous churches in America, well kept, well ventilated, well warmed, and crowded, without a farthing levied for their support by any legislative enactment. And as to precedents on this subject, there is the precedent of the Act of 1833—the 3rd and 4th Geo. IV., sec. 63, which abolished the Irish Church Rate under the name of vestry cess. By this statute, the purposes for which vestry cess had been heretofore applied, were to be provided for out of the funds vested in the Commissioners under the Act. These funds were to be raised by an annual tax on the value of all ecclesiastical dignities and temporalities in Ireland, and from the actual revenues of certain archbishoprics and bishoprics which were to be abolished or united with others on their becoming void. Again, there is a parallel case to the proposal to exempt Dissenters from this payment, in Canada. By the old Canada Act a great principle is sanctioned, which is applicable to Dissenters in this country—a principle still in force—namely, that the lands of Protestants in Lower Canada are exempt from tithes, and even if they purchase lands from Roman Catholics subject to tithes, they are discharged from the liability to pay them. The legal liability was thrown to the winds, though, in the case of Church Rates here, the argument rests on that alone. It is right to remark that the charge for maintaining ecclesiastical fabrics was a general and universal charge, made so by law, when the law acknowledged the existence only of one body of religionists. This was the case when the Roman Catholic was the established religion, and it was the case when the Church of England became the only recognised Church. The law now recognises and acknowledges other religious bodies. Dissenters are under a sort of necessity of calling immediate attention to this evil, because it is likely to be a growing one. It appears that the existing liability is not all they have to complain of, because under the Act of Parliament for the extension of churches, new Church Rates may be levied, with regard to which, at all events, the plea can never be set up that property was acquired subject thereto, and that, therefore, no grievance can be reasonably pretended. But it is not the Dissenters only who complain. Churchmen who are rated in the first place to their parish church, and then taxed in the shape of pew-rents at the chapels which they find it most convenient to attend, are loud in their complaints of the state of the law; and, conceding, for argument's sake, that in this case there is no grievance, it is enough to say that they think it one; and under such circumstances, the law is not worth retaining. He need not dwell upon the unseemly controversies which took place, periodically, between clergymen and their flocks, as being alike unfavourable to religion and destructive of social harmony. No believer in the value and usefulness of the Establishment would desire to see the support of its worship contingent upon a successful vestry campaign—in which the professed softener of human asperities was liable to be goaded by irreverent conduct into hasty and intemperate remonstrance; or if he kept his temper, did so by the force of a philosophic patience hardly to be expected in one who felt a very lively and earnest interest in the faith and truths of a religion he was sent to inculcate. Why should Dissenters be called on to pay Church Rates? The hon. Baronet the Member for the University of Oxford would argue that there was no burden in the case—that every citizen determined for himself whether the conditions of existence offered by the society to which he belonged were worthy of his acceptation. But if this were so, and no law that was oppressive to individuals were to be abolished on this plea, why had they passed a law to permit Quakers to make affirmations instead of oaths? It might be urged by persons taking extreme views on such subjects that the public had a right to dictate the conditions of citizenship, and that those who disliked them had their remedy in leaving the country. But would the exercise of this right be politic? Was it wise to lose, for the sake of an observance proved to be of little value, the advantage of the society and intercourse of so moral and useful a body as the Quaker community? He contended against any act which enforced conditions of citizenship not essentially necessary to public happiness. Suppose a law existed imposing a tax to be applied to the dissemination of an erroneous system of natural philosophy (and it was begging the whole question to affirm that the Protestant episcopal system was perfect), would it be a sufficient answer to the taxpayer to say that he became a citizen at a time when the tax was in operation, and having given less for his estate by the fee-simple of the tax, he ought not to endeavour to remove from his shoulders a burden for which he had been already compensated in the price he gave? It might as well be argued that he bought his property with the chance of getting rid of the tax. But it was not only in the case of oaths that Quakers were exclusively favoured. They were favoured in respect of this very charge of Church Rates. Any demand from a Quaker under 50*l.* can be summarily recovered at a cost under 12*s.*; and in practice the jurisdiction of the ecclesiastical courts was annihilated as regards this particular sect. What said the Report on Local Taxation, page 53?—

> "If a Quaker refuse to pay church rate, and if any churchwarden complain of such refusal, and the Quaker have had a reasonable warning of the complaint, one justice of the peace may summon him to appear before any two justices. These two justices may examine upon oath or affirmation, the truth and justice of such complaint, and ascertain what may be due from the Quaker, and may order payment of any sum not exceeding 50*l.*, with costs and charges not exceeding 12*s.*

By way of confirmation of this advantage, the 5th and 6th William IV., c. 74, prohibits the ecclesiastical court from entertaining "any suit, or proceeding, to recover from any Quaker any rate of or under the sum of 50*l.*; which very nearly amounts to an absolute exclusion of the jurisdiction of the spiritual courts." He wanted to know any good reason for limiting to Quakers the benefits arising out of this exemption from the jurisdiction of the ecclesiastical courts. He next proposed to show how Dissenters themselves viewed the state of this church-rate question, and he would add a few examples of the working of the law. He would not trouble the House by reading at full length any of the letters he had received; but he could not resist giving extracts from two or three of the most important. He had a letter from a Quaker, who, after stating that his sect paid not only poor-rate but maintained its own poor, bitterly complained of a system by which he was periodically distrained upon. He said—

> "The churchwardens take my furniture, generally nearly three times more value to me than the amount claimed. The expenses are extremely heavy: as most respectable auctioneers refuse to meddle with such doings, the job is given to parties who sell the goods at a sale-room, where the lowest class of furniture is sold."

He adds—

> "About two years ago I had a dmand for about 21*l.*, and they took between 40*l.* and 50*l.* of furniture. About twelve months ago they took about 17*l.* worth for a demand of 6*l.* 5*s.* 6*d.*; and a few weeks since another seizure took place of furniture, worth to me about the same, for an amount very similar."

Next came the Sudbury case. He would shortly add a list of cases of goods seized in excess of the value claimed: "Andrew Hunter, rate, 1*l.* 4*s.*; goods taken, calico (value), 4*l.* 2*s.* 10¾*d.* John Mays, rate, 13*s*.; goods taken, butt and sole leather (value), 3*l*. 3*d*.. James Wright, rate, 2*l*. 7*s*.; goods taken, account books, &c. (value), 6*l*. 7*s*. J. R. Oxley, rate 1*l*.; goods taken, twelve canisters (value), 2*l*. 2*s*. Edward Wright, rate, 1*l*. 6*s*.; goods taken, 111¼lbs. of loaf sugar (value), 3*l*. Total amount of rates, 6*l*. 10*s*. 3*d*.; value of goods seized, 18*l*. 12*s*. 1¾*d*." Now, no doubt it would be urged that there was no grievance in these cases, because, had these men quietly paid the demands made upon them, they would have incurred no additional loss. But he asked if it was politic to keep up a standing grievance of this kind? Were the advantages arising from the amount contributed by the Dissenters worth the ill-feeling engendered in parishes, and the detestation unfortunately excited against the established religion? Besides the cases already mentioned he had others. One of the individuals already alluded to was recently mulcted of goods worth 57*l*. 7*s*. for a rate and costs amounting to 17*l*. 3*s*. Another of the name of Wright suffered seizure of goods to the extent of 24*l*., taken for sale for a rate of 3*l*. 12*s*. These were only a few cases, intended to show how far it was true that Dissenters preferred the forfeiture of their property to the endurance of a system which sought to coerce their consciences in the manner described. It was often said that great irregularities occurred from time to time in the application of the funds arising from local rates. But he thought he had never heard of a more flagrant case than that he was about to cite. It was possible it might not be entirely accurate; if so, the inaccuracy of his correspondent would come out in Committee. He had in his possession a letter from a person resident at Kew Green, Kew. What said the writer? He spoke of a churchwarden who held the office for twelve years, and during that period he thought proper to claim in his accounts, from Easter, 1847, to Easter, 1848, 39*l*., for a herdsman who was employed to manure the green and commonable land of three or four acres. To the pew-opener 20*l*. 16*s*. was charged. A charge was further made of six guineas, under pretext of assessing the parish to the assessed taxes. This was not all. There were more objectionable circumstances about the case, which he refrained from pursuing, without obtaining a Committee. That was an example of misappropriation of funds. He would next give a case of grievance arising out of the mode in which churchwardens obtained their offices in some instances; and the same example would serve to confirm the argument with respect to misappropriation of funds. And before he cited the example alluded to, he might observe, that it was in itself a fair argument against the present Church Rate system, that Dissenters are taxed at the suggestion and under the administration of officers, in the nomination of whom the clergy have the chief voice. The hon. Member read a letter which stated that the Church Rates of the borough of Congleton, containing 30,000 inhabitants, were levied, by custom, by six gentlemen calling themselves *prepositi* or *posts*, and that one half of this amount was not legally appropriated. It was no small part of the complaint of the Dissenters, that they were liable to be drawn into the ecclesiastical courts, the abuses of which were so notorious, and which no Government appeared to possess courage to subdue. What said the Report on Local Taxation on that head? His hon. Friend the Member for Kilmarnock had brought the state of these courts under the notice of the House, and hopes were held out that some legislation might be anticipated at no distant day. But no effective step had been taken. What said the Report on Local Taxation on the subject of these courts? No *ex parte* statement, but a deliberate expression of opinion on the part of a commission, upon whom devolved the duty of solemnly investigating the abuses of local finance, and suggesting remedies which, in their judgment, might be applicable? They said that the jurisdiction of the spiritual courts was most inefficient (p. 52). But Churchmen, too, had reason to complain of the state of the law. Take the case where a Low Church congregation were called on to support the teaching of a Tractarian minister, or *vice versâ*; or take the case where a district church was established, and pew rents in existence. Was it no grievance to be compelled to pay twice over? Then, again, the difficulty, uncertainty, and complaints of the law (which were evidently parts of his complaint against Church Rates) were matters in which the Church was distinctly interested. When, too, the social aspect of the case was considered, and the position in which the clergyman was placed in reference to his flock, no sincere lover of his Church would maintain that the present system was one which it was very desirable to continue. Again, the Church had now but a precarious support. Its tenure of Church Rates in any given parish was a pure matter of good fortune. The Church might lose its advantage any day, by means of a trifling change in the tide of population. Whatever the mode of repairing the Church might be, at least it should be certain and uniform—not contingent and defeasible. Why not substitute pew-rents, or adopt some other plan unobjectionable in principle? Would not a regular church-repairing commission be better than the hap-hazard and irregular superintendence of above 20,000 churchwardens? Now, all this was ground for a Committee of Inquiry. Dissenters were entitled to immunity from the payment of Church Rates on the ground of what they did for education, morality, and order. Their 8,440 congregations contributed little less to the security of Government and the moral improvement of society than the 11,825 episcopal churches and chapels; and reputed as they were to constitute a body of 2,700,000, they were entitled to consideration on the part of that House. He might be asked what plans he had to offer in Committee? In reply he had to say that there were various methods which might be suggested from various quarters. First, there was simple abolition. But then there was a difficulty about that proposal. To offer it would be tantamount to saying he did not hope to legislate at all. Now he had hopes of legislating; and the first step to success in this respect was to exhibit a spirit of fairness and moderation. Besides, it was unnecessary to excite opposition by a proposal simply to abolish Church Rates—because modes might be suggested of different kinds by which the end desired might be attained compatibly with the support of the fabrics of churches. What was then to prevent the legalisation of pew rents? The pew-rent system worked well in many cases, and the objection to adopting them could only be formal and pedantic. But there was a fund on which Church Rates might be very fairly charged, namely, the fund originally created for them; and he thought the fund would be as well spent in supporting churches as the houses of the bishops. Of course he alluded to the fund which arose from the improved management of church leases. It might be said this fund was already applied, *vestigia nulla retrorsum.* Well, conceded—but still there were other plans. They might even adopt the plan of the Solicitor General, and exempt Dissenters. No doubt much might be said against that, but still a Committee was the very place for calmly discussing the suggestions offered from different quarters. It might be urged, why alter your Motion? Why not simply demand abolition? He had altered his Motion, because he thought he could not succeed in the naked proposal to abolish Church Rates. For the reasons, then, he had given—on account of the evils arising out of the payment of Church Rates—on account of the uncertainty and complexity of the law, and the consequent addition in the shape of annoyance to the mere pecuniary liability—on account of the heartburning and contention excited amongst sects, and the unseemly relative position in which clergymen were placed with respect to their flocks—with argument, precedent, and the authority of their greatest modern statesmen in his favour, he felt entitled to claim of the House that he had established sufficient ground for the Motion of which he had given notice. The hon. Member concluded by moving his Resolution.

MR. HARDCASTLE said: Sir, I confess that when my hon. Friend last year was time after time unsuccessful in his attempt to bring on the question of Church Rates, I felt considerable disappointment, which was, I believe, shared not only by hon. Members within the walls of this House, but by a large class of persons out of doors. But, considering, as I do, the objections which exist against making questions of this kind mere annual Motions of course, and bearing in mind also how large has been the advance in public interest on matters of ecclesiastical reform, my disappointment has been very much diminished, for I think the interests of this question will have been better served by the omission of a year, than they would have been by a discussion last year, followed by another this. Last year we had heard nothing of the question which has since usurped the place of all other questions. This year the fears of Protestants are awakened by what they consider to be a common danger; and I think I see symptoms of a desire on the part of the more liberal party in the English Church to sink all minor differences, and make up existing quarrels, with a view to close their ranks against what they consider to be an insidious and a dangerous enemy. But I see another reason, and a more serious one, for judging that it is time this grievance should cease. The decision on the Gorham case, and the battle of surplices and sacraments which has been raging in a neighbouring parish, and more or less all over the country, has convinced most men that the Church of England contains within her bosom not merely two opposite parties, or rival factions, but two antagonist religions; and this renders the compulsion exercised to make Dissenters pay Church Rates all the more onerous, as they consider that in so doing they are contributing not only to services to which they object, but to the promulgation of doctrines which they abhor. Questions of this nature, involving as they do both political and religious considerations, ought to be examined both in their social and in their ecclesiastical bearings. I think the political reasons for a reconstruction of the present system are manifold; but perhaps there may be ecclesiastical grounds for desiring to retain it. I may be told by zealous Churchmen, that to alter the present system will endanger the security of the Church of England in its present form, and that this constitutes a reason for doing nothing. Without stopping to question whether the present position of the Church of England is so perfect as to warrant us in refusing to run any risk of altering it, let us consider for a moment whether altering the law of Church Rates would have the effect predicted. I think, if it had any effect, it must be either on the maintenance of the fabric, or on the maintenance of the endowment. And if we show that neither the one nor the other is dependent upon Church Rates, it seems to me that no one can object to the conclusion to which my hon. Friend wishes to conduct them. First, then, as to the maintenance of the fabric. Without compulsory Church Rates, would the fabric go to decay? It is computed that there are about 4,000,000 Dissenters in England and Wales, forming about 8,500 congregations; while there are about 12,000,000 of Episcopalians, with some 12,000 churches. It is to be remembered that the Dissenters belong almost exclusively to the middle and lower classes; while the whole aristocracy and great part of the wealth of the country belongs to members of the Church of England. Now the Dissenters—the poorer body—have within the last half century built, and do maintain at their own expense, between 8,000 and 9,000 Meeting Houses; and yet we are to be told that the Church, representing the richer communion, requires all the help of these very Dissenters to enable them to keep up their own churches, these churches having mostly been built without expense to their present occupants in former ages. But there is another view of this particular part of the subject, and it is this: It is not proposed to make contributions towards the repairs of churches illegal—it is only proposed to make them not compulsory. Now, we must bear in mind, first, that Church Rates are not the only fund which exist for the repair of churches, for there are very considerable endowments for this express purpose; secondly, that the Dissenting body, consisting principally of the lower-middle and lower classes, probably pay less than in the proportion which their numbers bear to the whole community; and, thirdly, that the amount which is usually levied by Church Rate contains many items which would not be allowed if the rate were legally contested. And, considering all these things, I think the sum legally chargeable upon Dissenters does not amount to more than one-sixth of the whole amount annually levied; and this deficiency is to be fatal to the security of the fabric. But I shall be told, "Oh, but if you make it voluntary, many Churchmen will refuse to contribute." Now, I don't say that I would make Church Rates voluntary on the pewholders; but even granting this, what a satire it is on the Church of England, and how much does it aggravate the hardship of forcing Dissenters to pay Church Rates, that the very persons who use the churches should have so little love to the services performed there, that they require legal compulsion to induce them to discharge the necessary expenses for those services. Well then, Sir, I confess that I do not see any strong reason to think that the very abolition of compulsory Church Rates will very much endanger the fabrics of churches. But if a middle course were adopted, such as has been had recourse to in some parishes where the churchwardens had the wonderfully bad taste to prefer peace and a voluntary assessment of the seatholders to war and a Church Rate—if a small sum were made legally leviable upon the holders of seats, any risk to the fabric would be indefinitely diminished; besides which, there are many men who, from innumerable motives, would contribute voluntarily, though resisting compulsion. Let us, then, look at the other supposed danger—danger to the system of tithe. The analogy between tithe and Church Rate, so specious at first sight, will be found on examination utterly to fail. Tithe is nothing more nor less than a Parliamentary rent-charge, never changing except with the price of wheat. Church Rate is a variable impost, dependent for its amount on the state of the fabric—on the whims of a churchwarden—on the tastes of an incumbent—on the will of a rural dean—and, for its practical existence, on the vote of a vestry, consisting of ratepayers who vary from year to year. Tithes pass from hand to hand, like other property — the only way in which Church Rates are dealt with is by mortgaging them, and this constitutes one of the principal grievances of populous parishes. St. Marylebone, for example, paid 50,000*l.* in Church Rates between the years 1837 and 1842; but this is done only by a particular Act of Parliament, and is, I believe, not in general practicable. Tithes are payable to laymen, charities, corporations, as well as to incumbents. Church Rates are payable to the churchwarden alone. Tithes imply no prearranged compact of payment on the one side, or duties on the other; for it continually happens that the person who does the parochial duty does not take the tithe, and, of course, as often, that the person who takes the tithe does not do the duty; and even when the incumbent is titheowner, he is forced to do the duty, not because he takes the tithe but because he has taken orders. But Church Rates imply by their very nature some interest on the part of the person who pays them in the fabric to the repair of which he contributes. If he is to pay the rates, let him have the opportunity of profiting by the services. But if by the growth of population, or the carelessness of past generations, he is deprived of the boon of making use of the church, it appears to me that the compact is broken, and the feeling of wrong which attaches to a payment thus made, in my mind is productive of evil consequences far outweighing any trifling advantage to be derived from the payment itself. It is, I believe, the law, that a landlord, not bound to rebuild premises which have been burnt down, may still demand rent for the remainder of the term, although I should not think any hon. Member of this House would think it exactly consistent with honesty to avail himself of such a power; but it seems to me to be just as fair to take rent for a house which has been burnt down, as to exact rates for the repair of a church from which the payer is practically excluded; and to say that the security of Church property depends on a law like this, is about as reasonable as to say that the security of house property depends on a practice like the other. Sir, I am aware that an argument founded on the breach of a presumed contract cannot be pressed in favour of exempting Dissenters as such from Church Rates. But I have every reason for pressing it in the case of Churchmen. And if it be necessary to quote a high Church authority for an opinion of the injustice of the present state of the law of Church Rates, I can do so; and I can go further, for I can show that this high Church authority, having stated a case exactly and in all points analogous to the case of the Dissenter who is forced to pay Church Rates, expresses an opinion that this state of things constitutes a grievance—an opinion in which I most heartily concur. The authority to which I refer is the Government Report of the Subdivision of Parishes Commissioners, and among the names appended to this report I find that of the noble Lord the Member for Bath—who, though denounced by one section of persons calling themselves Churchmen, deserves, I think, the respect and esteem of all those who are interested in the spiritual welfare of the country—the names of Dr. Hook, Dr. Dale, Mr. Champneys, and of Mr. Robert Seeley; and what say these Commissioners? "In our opinion," say they, "the present state of the law of Church Rates is obscure, vague, defective, and unjust;" and they go on to say, that it has been urgently represented to the Commissioners—and the whole tenor of the report leads to the conclusion that they agree in the suggestion—

> "That the law in its present state inflicts a serious hardship on the owners of property, in distinct and separate parishes and district parishes, by compelling them for twenty years not only to provide for the expenses of their own church, but to contribute towards repairing the mother church."

Now, this is the case of the Dissenters, in every particular except one, that both the rates are compulsory, whereas no Dissenter is compelled by anything except feeling to contribute to the repair of his own meeting-house. But as if to clinch the matter, the Commissioners go on:—

> "In the case of a chapelry district, cut off from a distinct and separate or district parish, the grievance is still greater; for although the inhabitants, during that period of time, pay a double rate, namely, to the mother church and to the distinct

and separate or district parish church, they have generally to provide for the repairs of their own chapel also, by voluntary contributions."

And now let me ask, if it be a hardship for a Churchman in a chapelry, who has to contribute voluntarily to the repair of his chapel, also to have to contribute by compulsion to the repair of the parochial and district churches, why is it not a still greater hardship for his next-door neighbour, being a Dissenter, having to contribute voluntarily to the repair of his chapel, also to have to contribute by compulsion to those same parochial and district churches? Sir, after this avowal of opinion, I think the question might safely be left in the hands of these Commissioners, if they would but be true to the principles they have laid down in their report. They have not, it is true, called the compulsory Church Rate an act of persecution; but they have defined a similar tax to be a grievance, and a grievance still greater than one which they denounce as a serious hardship. What the distinction is between a grievance greater than a hardship, itself serious and a religious persecution, I may leave for Mr. Seeley to discuss with the editor of the *Nonconformist.* We have heard much of late of personal and religious liberty. I will not attempt to add my definition either of the one or of the other to those numerous and, as I think, mostly incorrect definitions which have been given here and elsewhere. I will simply observe that I think the methods in which the State may influence the conduct of individuals in religious matters is twofold—by compelling to do what they think wrong, and prohibiting them from doing what they think right. The first must be always persecution, if it be only sprinkling incense on the altar of Jupiter. As to the second, I am not so clear, for if the State is not to retain some control, I don't see how she is to prevent Roman Catholic processions in the streets of London, or suttees on the Ganges. Whether the compulsory payment of money for a purpose presumed, is exactly of a similar nature with the compulsory performance of an order manifestly religious, I will not attempt to determine; but the difference can be but slight. Sir, it matters comparatively little whether this question be set at rest this year or next, in this or a subsequent Parliament. What is really of consequence is, that the principles of religious liberty should be clearly and distinctly understood by that great community which has sent us here to represent

them; for, when that is the case, I have the fullest confidence that those principles will be boldly carried out, and successfully maintained.

Lord JOHN RUSSELL: I don't wish, on this occasion, to follow the hon. Gentlemen who have moved and seconded this Motion, into the various arguments they have used in reference to Church Rates; if I were to do so, too, I fear I should differ with them on some points to which they have referred, and in the conclusion at which they have arrived. It does seem to me, however, after the statements and the references they have made, and the Reports of the several Commissions, that it is desirable there should be some attempt made to settle this question of Church Rates; and that, if they should not be able to effect that object, they, at all events, should endeavour to make some improvement in the law. Holding these opinions, therefore, and having been myself a party to one or two attempts to settle this question, but without success, I think the proposal now made is one which will lead to a practical benefit, and to which I willingly give my consent.

Mr. HUME said, that while the House was engaged upon this question, he wished to call the noble Lord's attention to the case of the Annuity Tax now raised in Edinburgh. He had repeatedly called attention to this tax before, the collection of which had led to acts of violence requiring the military to be called in to suppress them, because the feeling of the community was opposed to the continuance of the tax. He had hoped, from the promise he had received last year, that the noble Lord would have introduced a Bill on the subject. Ireland, also, was subject to a tax called Ministers' Money, amounting to about 18,000*l.* a year; and nearly the same amount was raised in Scotland, but Edinburgh and his own borough (Montrose) were the only towns that contributed to the tax in Scotland. This tax was very different from Church Rates in England, because Church Rates were in some sense voluntary; but this Annuity Tax was compulsory, and it was levied under an Act of Charles II. It was exacted only from the royalty of Edinburgh, and did not extend to the rest of the city. He was sure that the welfare of the Church greatly depended upon the speedy settlement of this irritating question.

Lord JOHN RUSSELL said, that it seemed to him very practicable to introduce a measure to put an end to Ministers' Money; but with regard to the Annuity Tax, he had taken every means that he thought likely to bring about an arrangement of that subject, but hitherto those means had failed.

SIR R. H. INGLIS said, that the objection which he might feel even to a Committee on this subject, as tending to unsettle the question, was a very different objection from that which he should have felt had a Resolution been proposed pledging the House to a particular course of action in the matter. It was not necessary for him to advert in detail to the three attempts which had been made in that House to settle the question of Church Rates, inasmuch as the hon. Member for Tavistock (Mr. Trelawny), although he had referred to them, did not at present propose to revive any of them. With respect to the statement, that 600,000 persons had petitioned for the repeal of these taxes, he apprehended that, if the fact of petitioning against a tax would ensure its repeal, there were few taxes for the repeal of which three times 600,000 signatures could not be easily obtained. The hon. Member for Colchester said that these 600,000 formed but a very small portion of the persons affected by the grievance; at first, he said that the Dissenters were one-third of the population of England, and afterwards that they were one-fourth; but he admitted that, in consequence of their being chiefly of the middle classes, their contributions to the Church Rate did not amount to more than one-sixth of the whole sum levied. But he (Sir R. Inglis) had always understood that, if the principle of a tax were unjust, the number of those upon whom it pressed was not a thing to be taken into consideration. Now, he contended that there was no property in England which had not been bought and sold subject to this burden; and the present holders of the property could not fairly claim to be exempted from its payment. The hon. Member for Manchester (Mr. Bright) had, during the debate upon the Papal Aggression, asked if the noble Lord (Lord John Russell) thought that the Church which he desired to protect was a tolerant Church—"the most tolerant of Churches"—when forty chairs had been taken from a Friends' meeting-house in the City, and sold for Church Rates. Now, what were the facts of that case? The parish to which the hon. Member referred was that of Bishopsgate; the tithes of that parish, amounting to 2*s*. 9*d*. in the pound, would have raised in the aggregate a sum of between 5,000*l*. and 6,000*l*. a year. Not only, however, was that sum never raised, but there never was any intention of raising it; and, in 1825, an Act of Parliament was passed, by which the tithes were extinguished for ever in respect of that parish, and a sum had since been raised by rate, in respect of tithes and Church Rate, and for every parochial object and purpose, amounting in the aggregate to 2,500*l*. a year, subject to certain deductions; for instance, a sum of 300*l*. for the service of one church, 150*l*. for another, and 100*l*. for a third; and for all the necessary expenses attendant upon the performance of Divine service. He believed that every one understood the hon. Member for Manchester (Mr. Bright) to allege, as the grievance complained of, that it was at the meeting-house, the place of worship of the Friends, upon which the rate was levied, and from which the chairs were carried off. Now, in fact, the rate was not levied upon the meeting-house at all, but upon the adjacent dwelling-house, and the amount of it was never, in any any one year, more than 2*l*. 5*s*., while it had been as low as 1*l*. 14*s*. 9*d*.; that was the sum the payment of which was resisted by the wealthy and eminent body of which the hon. Member was an ornament. It should be remembered that the tax did not, as a capitation tax, attach to any individuals, or to any place of worship, but to particular individuals in respect to particular property, and therefore could not be regarded as a personal grievance; and yet this wealthy body had thus rendered necessary this unseemly scene to take place to liberate themselves and their consciences, as they said, from such a payment as this. He regretted that the noble Lord had thought it necessary to accede to the Motion of the hon. Member for Tavistock (Mr. Trelawny); had the Motion embraced a Resolution, he (Sir R. Inglis) should have opposed it. He thought that such a Committee as that contemplated should only have been granted to put an end to some uncertainty in the law upon the subject; but was the law doubtful—would the Attorney General, the Solicitor General, or the Master of the Rolls, say that the law was doubtful after the decision in the Braintree case? He believed that, by the decision of the highest Court in that case, there was now no point of law better established than the legal existence of Church Rates as applicable to the repair of the parish church, its fabric and services. Every house in the kingdom had been bought or sold for so much less, in consequence of its being liable to Church Rates, which only differed from the ancient system of tithes, inasmuch as the tithe was a fixed proportion of the produce, whereas the Church Rate varied in amount according to the particular circumstances of each case. He thought that the unsettlement of the question, by having a Parliamentary Committee, was, under any circumstances, undesirable. If the law were doubtful, a measure should be introduced to declare the law, if the Government felt sufficiently strong in their legal authorities; or to alter it, if it were against their preconceived notions. But when the highest tribunal in the country had declared the law to be clear, he could not understand why there should be a roving Commission or a sedentary Committee, to which should gravitate all the plans of the Dissenters for the removal of that which was a positive obligation upon them, not as Dissenters, but as holders of property. No man was taxed either to tithe or Church Rate as a Churchman or a Dissenter, but as a holder of particular property—in respect of that property, and not as an individual. As the Motion of the hon. Member for Tavistock did not, however, pledge the House to a particular course of action—as it was not a measure transferring to the Consolidated Fund, or to the episcopal or clerical revenues, the burden now appropriated to Church Rates, he felt less objection to it than he would otherwise have entertained; and he would only express his earnest hope that the Government would take care, in the constitution of the Committee, that it should be fair and impartial.

Mr. BRIGHT said, that had he known it was the intention of the hon. Baronet (Sir R. H. Inglis) to refer to the statement made by him (Mr. Bright) on a previous occasion, he would have been prepared to enter into the more precise details of that particular case. However, he should dispute altogether the view of the hon. Baronet, that he had no right to bring forward that case in a discussion on another subject. He thought he had a perfect right, inasmuch as whilst they were discussing the aggression of one Church, it might be as well to call attention to the aggressions of another. The hon. Baronet had stated that the chairs and tables to which he (Mr. Bright) had on a former occasion alluded, were not taken from the meeting-house, but from the premises. But that made no difference whatever, whether taken from the place of worship or from any of the committee-rooms adjoining, the crime of sacrilege not being understood or admitted by the Society of Friends. However, he asked the hon. Baronet if he could look on the question from any other point of view than that in which it was usual for him to regard it; and to say whether such a state of things should be tolerated? On one side of the street there was a large church frequented by a congregation of the Church of England persuasion; and on the other side of the street there was a place of worship built by the voluntary contributions of a sect which professed in the main the very same religious doctrines preached and believed in by the congregation assembled in the Church of England edifice. In that church the clergyman preached to his congregation; whilst in the other house of worship there was no minister of any order, no minister paid for services rendered. They both lived in a country the constitution of which professed to have done long ago with pains, penalties, and persecutions on the ground of religious difference. Yet, by authority of an Act of Parliament, the minister of the Established Church—legally, of course—by his agents or proxies, entered the premises of the meeting-house and took, not, *2l. 5s.*—though the hon. Baronet knew very well that to take $2\frac{1}{2}d.$ would be as much an injustice as to take *2l. 5s.*—but something like 40 articles of furniture belonging to those premises. These articles were sold by an auctioneer; picked up, in in all probability, by some friends of the auctioneer—he knew nothing of the particular circumstances, but that was generally the case in the country—and the proceeds were put into the sack in which the Church Rate and tithes were deposited. He admitted that the clergyman, of whose excellence or otherwise he knew nothing whatever, was legally empowered, and that he had the sanction of an Act of Parliament; but if that Act had received the assent of every Legislature in Europe, the seizure of these articles would not be the less an unjustifiable aggression. The hon. Baronet might get up and talk these things at Oxford, where he believed almost anything in the direction of persecution would go down—but they would not go down here or in the country; and no sophistry about houses being bought and sold subject to Church Rate would ever induce the people to think that the infliction of Church Rate should be permitted, or that it was a benefit even to the Church itself. The hon. Baronet had stated that the law had settled the question; but results demonstrated the contrary, as he believed the most eminent lawyers and judges in the land were opposed in their decisions on the question. Why, the fact as contended for by the hon. Baronet, that a parish minority, consisting of the clerk, the sexton, the grave-digger, and the bell-ringer, meeting together, can do that in a parish which a minority of that House cannot do for the country, was an overturning of every thing which they held to be valuable under the constitution of this kingdom. In his opinion, the Church Rate law was like martial law, as explained by the Duke of Wellington the other night, no law at all. It was impossible by an expenditure of less than some 2,000*l.* to go through the quagmire of the Ecclesiastical Court; but in the end, it fell out that the suit was generally dropped for want of funds. He was convinced there were no two lawyers in the kingdom would give the same opinion in reference to Church Rate law. This might be a reason for the appointment of the Committee, but he was not very sanguine that this Committee would accomplish all that was required of it; that however, was no reason why it should not be appointed. He thought it would be better for all parties if the Rate did not exist at all; and he did not think the hon. Baronet (Sir R. H. Inglis), warm Church advocate as he was, believed the Church ever gained by the system. All religious and conscientious Churchmen—the really pious men who wanted to live in harmony with their neighbours, loving their own faith, and desiring that every one else should follow his faith, and that all should observe the holy precepts set forth for us in the New Testament—such Churchmen, who might be counted by thousands in the Church, were in favour of the abolition of the Rate. Why not, therefore, get rid of it? But there was a class of Churchmen who did not want to get rid of it—the political Churchmen, who were of no use to the Church beyond agitating in its name and getting up majorities in its favour in that House. But the hon. Baronet should turn from these men to the really pious and conscientious members of the Church, who wished to see the question settled for ever. The question was one of only some 250,000*l.* a year. In Manchester no Church Rate had been collected for the last fifteen years. On one occasion the tax was decided against by a majority of one. The tax was next refused by a majority of 1,100: and thirdly, it was refused unanimously on a show of hands, since when there had been no Church Rate. There was what was called an "optional" rate, that was, those paid who liked, and those refused who did not. The great bulk did not like. Now he asked the hon. Baronet if he thought it advisable that for the last fifteen years there should have been an annual contest waged on the question? Was it not better that it should have been dropped, taking the tax only from those who were willing to pay it, particularly when the Church was nothing the worse? In the parish in which he (Mr. Bright) resided, there were some 70,000 or 80,000 persons, with, he believed, sixty places of dissenting worship; yet all these persons were expected to pay tax to one parish church. He believed some 700*l.* annually used to be collected, and eaten and drunk, though he never could understand that the Church was the better for it. The result of the opposition to the rate, was, that at length the expenditure fell to 150*l.* a year, though at the last contest, about eleven years ago, a great struggle was made, and as much money was spent in the contest as would, if placed at interest, produce 150*l.* a year for ever. Nothing had produced so much animosity as these contests about Church Rates, promoted as they were by the present vicar. He wished to know if it were not possible to adopt the Manchester system throughout England? In the last Session the hon. and learned Solicitor General suggested some compromise by which Dissenters would be exempted from the rate, which should be only collected from members of the Establishment; and his (Mr. Bright's) opinion was, that if these rates were not collectible by law, the congregations would provide, by their own contributions, for the maintenance of their own edifices. Did they not see notices of sermons for bible societies and schools every day? And would it not be possible for a zealous, honest, and pious minister, by arrangement with his congregation, to provide as much as would be necessary for maintaining the Church, without coming to the Dissenters? The congregation of the Rev. Mr. Russell was more numerous than that which resorted to the meeting-house of the Society of Friends at the opposite side of the street; and, therefore, it was nothing short of a scandal to call on the latter to maintain the establishment of the former. Were he (Mr. Bright) the hon. Baronet opposite (Sir R. H. Inglis), instead of defending such practices, he would endeavour to find out if there were not sufficient liberality and conscientiousness amongst Churchmen to induce them to maintain their places of worship without calling on the Dissenters to assist them, particularly when these places of worship were found them by the State, and when the Dissenters erected their own places of worship by voluntary contributions. If the hon. Baronet would only do that, he would be likely to sweep away one of the evils that was undermining the Church Establishment in the mind of the people, and strengthening the resolution of most of them to have nothing to do with the Establishment, but rather attach themselves to the Nonconformist body. These were troublesome times for the Church, as speeches and other significant signs demonstrated; and therefore he advised the hon. Baronet to "set his house in order." In the event of anything occurring it would be better to be prepared to meet it than to be overpowered by the damaging lumber of the Church Rates; and he hoped the Committee would, therefore, sift the question, and that when the Report should be brought in, the noble Lord at the head of the Ministry would not allow it to be shelved till he came into office again, in the next reign of the Whigs. Indeed, whatever Minister might be in power he would find it beneficial to the interests of the Church to make a clean sweep of all matters which were not alone unjust towards the Dissenters, but materially injurious to the Church itself.

Mr. A. B. HOPE did not mean to have troubled the House with any remarks upon this occasion; but after what had fallen from his hon. Friend the Member for the University of Oxford (Sir R. H. Inglis), and the hon. Member for Manchester (Mr. Bright), he must express the regret with which he heard the former hon. Member express so much dismay at the question of Church Rates being inquired into. The hon. Baronet was far too learned in the history of the Church not to know that the laws that affect Church Rates were laws passed at a time when the constitution of England was very different from what it is now. The law was then cognisant of nobody but Churchmen: and by imposing a Church Rate it only imposed on every man the duty of helping himself to worship God, in the only way in which the State thought it conceivable for him to worship God. That was no longer the case now; and therefore, without wishing, as the hon. Member for Manchester had said, to make a clean sweep of the matter, he thought it very advisable and very desirable that, when other reforms were entered into, and other inquiries were made, Church Rates should not be considered to be the immutable foundations of the faith of the Church of England. On the other hand, the discussion of that night had shown the great difficulty of the question; for, though it was desirable that the question should be investigated, he, as a Churchman, did not think that a Committee of that House was likely to be most favourable, or the best adapted machinery to investigate any question relating to the ecclesiastical affairs of his own denomination, or even those of other denominations; for all denominations being represented in that House made it a machine equally unfit to legislate for any. Still, on the broad principle of Church Rates not being the immutable foundation of the faith of the Church of England, he could not second the dread of the hon. Member for the University of Oxford. The plan of a voluntary rate which had been adopted in Manchester, and that of a rate levied only upon Churchmen, which the hon. and learned Solicitor General advocated last year, had, however, one great and fatal objection—that they made religious indifferentism and dissent valuable to a man; they would make it worth so much to him not to be a Churchman. Now he was sure that earnest Dissenters would not wish that people should come to them on a pounds, shillings, and pence calculation, which must be the result of a voluntary rate, or of the rate proposed last year, to be levied on Churchmen alone. How the case was to be met was another question. He had somewhere read a description of a scheme which existed in one or two of the States of America; it had very broad and patent advantages on the face of it; whether or not it was applicable to English society he did not know; but when other schemes were mentioned, he might be excused alluding to it. A general rate was imposed rateably according to the amount of property; then, in a schedule which was sent round to each ratepayer, he was bound to enter himself of some denomination or other, and his money was handed over to the hierarchy or governing body of his denomination, to spend as they thought best for the faith to which he belonged. In that way there was no grievance to any man's conscience, for no man could confess that he was not desirous to worship God according to the doctrines he professed. There was no pecuniary advantage to any denomination over another, and he conceived that some similar plan might be undertaken in this country. He warned the House that the Church of England, though desirous of fair play towards every citizen of the State not belonging to it, and every day more willing to tolerate liberty of conscience, did claim that liberty of conscience to be afforded to herself, of which he was sorry to say she had not as much as she had a right to, and of which she had met very little from that House, which was the only practical legislature for religious or civil matters.

Mr. HEYWORTH said, he should support the Motion of the hon. Member for Tavistock. He did not think the ground taken by the hon. Baronet the Member for the University of Oxford was at all tenable; for if it was a good argument that the Church Rate, being a tax on property for a long time, and property having been bought subject to it, ought not to be repealed, what right had the Chancellor of the Exchequer to repeal the window duties? If the hon. Baronet's argument was good, they could not repeal anything.

Mr. LENNARD was gratified that the Motion for a Committee was granted by the Government. The settlement of the question would be a great boon to society, for there was no more fertile source of irritation than the question of Church Rates. The notice of a contested rate was a notice of a parish war, and led to the greatest heartburnings and irritation in parishes. It had been said that the Dissenter bought his house or land subject to Church Rate. It was, forgotten, however, that it required the vote of a majority in vestry to make a rate. True, if no rate was made, the churchwardens might make a rate; but if the majority chose to make ever so small a rate, no Court would interfere, so that, in effect, the rate might be really and effectually evaded. He did not think that the rate, even if it could be raised, was worth the contest. Our churches would be better repaired if the whole responsibility of maintaining them was thrown on Churchmen themselves. Why was it that the Dissenters contributed liberally to the repairs of their chapels, while from Churchmen you could often get nothing? It was because individuals would never do for themselves what the State undertook to do for them. He quite agreed with the hon. Member for Manchester in thinking that the enforcement of these rates was prejudicial to the Church itself; and he believed that the Church was not rendered the more wealthy by it. He knew many cases where clergymen, desirous of living on terms with their parishioners, allowed their churches to go out of repair rather than risk a contest by asking for a Rate. He would confidently and fearlessly leave the maintenance and repair of the churches to those who used them; but he believed that many Dissenters would, out of pure goodwill, assist by voluntary contributions.

Mr. COWAN suggested that the city ef Edinburgh should be included in the Motion. In that city the rate was charged on a large majority of the population who were driven out of the Established Church, and he was quite sure that they ought to receive the sympathy of that House.

Mr. FOX MAULE said, he could not agree to the suggestion that these two subjects should be referred to one Committee. The two subjects were not of the same nature, the Church Rate having been imposed for the purpose of keeping the churches in repair; whereas, the Annuity Tax in Edinburgh and Montrose was the means by which their ancestors paid the salaries of the clergy. A considerable correspondence had taken place on the subject, and a friend of his had been sent down to Edinburgh to negotiate between the parties on the subject of this tax, These negotiations had not been successful; but the Government had exerted their authority to bring them to a favourable issue, and he was not without hope that the parties might be yet brought to agree amongst themselves.

Select Committee appointed.

LODGING-HOUSES.

Lord ASHLEY had now to bring under the consideration of the House a subject very homely in appearance after the stirring questions that had so lately agitated the public mind; but one which he thought he should be able to show was of vital importance to large classes of the community. Twenty years ago it would have been necessary to state many principles, and urge many arguments; now, he believed it was necessary merely to state the evil and indicate the remedy, but he should wish to lay before the House the experience of himself and others in regard to the subject—one which he had studied for several years, and in reference to which he could say that he believed a very great existing evil, pressing upon a large portion of the labouring community, might be removed, and that without establishing institutions of an eleemosynary character. He would first call the attention of the House to the condition of this population, looking upon it as stationary and as migratory. To begin with what might be called the stationary population, those who were living in houses, not removing every week or night by night from one lodging-house to another, but permanently settled. A return made in 1842 gave the following result of a house-to-house visitation in St. George's, Hanover-square, reported to the Statistical Society:—1,465 families of the labouring classes were found to have for their residence only 2,174 rooms; of these families 929 had but one room for the whole family to reside in, 408 had two rooms, 94 had three, 17 four, 8 five, 4 six, 1 seven, 1 eight; the remaining three families were returned "not ascertained." If this was so in one of the best parishes in London, what must be the condition of the over-populous and more needy parishes in the east of London? Now, this return said nothing of the condition of a great many of the residences of the working people, in which there was not one family in a room, but two families, three, four, and, as he had himself seen, five; four occupying the corners, and the fifth the middle of the room. To look first at the moral aspect of the subject: In these rooms there were grown-up persons, male and female, of different families, or the same family, all living together; in these rooms every function of nature was performed. How could decency be preserved? Education was impossible; pernicious example was ever before the child, Who could wonder that in these receptacles nine-tenths of the great crimes, the burglaries, and murders, and violence, that desolated society, were conceived and hatched? Or if the physical state of these people were considered, what must be the condition of dwellings with 8, 10, 20, or 25 persons, or even more, living in a single room? Nothing produced so evil an effect upon the sanitary condition of the population as overcrowding within limited spaces; and if people were in a low sanitary condition, it was absolutely impossible to raise them to a just moral elevation. Their general state of health and capacity for work reduced, they must be brought upon the parish, and the general charity of the community. Here was a very remarkable statement of the evils of a system existing now over the length and breadth of this metropolis and all our large towns; it was an exemplification of the effects of living in a crowded atmosphere. In the report of the London Fever Hospital for 1845, of one particular room in an establishment it was said—

> "It is filled to excess every night, but on particular occasions commonly 50, sometimes from 90 to 100 men, are crowded into a room 33 feet 9 inches long, 20 feet wide, and 7 feet high in the centre. . . . The whole of this dormitory does not allow more space, that is, does not admit of a larger bulk of air for respiration, than is appropriated in the wards of the Fever Hospital for three patients."

What was the consequence? Why, that considerably more than one-fifth part of the whole admissions into the Fever Hospital for that year—no less than 130 patients affected with fever—were received from that one room alone. The experience of the Board of Health went to the same point. The horrible desolation in the children's infirmary at Tooting was found to arise principally from enormous numbers being crowded in small ill-ventilated apartments. A similar case occurred, about the same time, in Hackney, in a charitable institution where the parties were well cared for, well fed, well warmed, well clothed, surrounded by a district in which there was not one death, and yet the mortality in that establishment amounted to no less than 10 or 15 per cent of the inmates, simply because they were put in ill-ventilated and closely-crowded apartments. Such was the condition of the stationary population; this was what might be seen by any one who would take a walk into the more crowded parts of the metropolis. How was it with the migratory population—those who flitted from one lodging-house to another, and were perpetually moving? Here was a report made by one of the city missionaries:—

> "On my district is a house containing eight rooms, which are all let separately to individuals who furnish and relet them. The parlour measures 18 ft. by 10 ft. Beds are arranged on each side of the room, composed of straw, shavings, rags, &c. In this one room slept, on the night previous to my inquiry, 27 male and female adults, 31 children, and two or three dogs, making in all

58 human beings breathing the contaminated atmosphere of a close room. In the top room of the same house, measuring 12 ft. by 10 ft., there are six beds, and, on the same night, there slept in them 32 human beings, all breathing the pestiferous air of a hole not fit to keep swine in. The beds are so close together that, when let down on the floor, there is no room to pass between them; and they who sleep in the beds furthest from the door can, consequently, only get into them by crawling over the beds which are nearer the door. In one district alone there are 270 such rooms."

The statement went on to say—

> "These houses are never cleaned or ventilated; they literally swarm with vermin. It is almost impossible to breathe. Missionaries are seized with vomiting or fainting upon entering them. 'I have felt,' said another, 'the vermin dropping on my hat like peas. In some of the rooms I dare not sit, or I should be at once covered.'"

These were some of the worst instances. But, though they were the worst instances, it must be recollected that these houses were the receptacles of thousands. He hoped the House would forgive his going into these details, because the conclusion he desired to enforce was not to be proved by argumentation, but by an induction of facts, the collection of which must be the result of much inquiry and long investigation. He was sorry to say the state of things he had described was not confined to London. It prevailed in many parts of the kingdom, and in almost all the great towns. The following was an extract from a report of Mr. Rawlinson, an inspector of the Board of Health, being a communication from a clergyman in Dover:—

> "From a ministerial experience of thirteen years, first in a parish of 7,000 souls, then in a parish of 20,000, and now in a parish of 10,000, I am perfectly satisfied of the close connexion subsisting between the sanitary and moral condition of our poorer classes. At Fulham, Maidstone, and Dover, I found, without any exception, the worst demoralisation in the worst constituted dwellings and neighbourhoods, the one being traceable from the other directly as effect from cause. I affirm, in conscience, that to raise them while they live in such places and under such circumstances as they do now, is impossible. No sense of decency or self-respect can struggle against the difficulty; and the chief force of our pastoral ministrations is rendered nugatory. I may add, that I have very rarely met with a parish priest, accustomed to minister in a large town, who has not fully felt the same conviction. The relieving officer for Charlton stated—' There are 650 houses, or rather substitutes for houses—hovels. The whole parish is one receptacle for filth. In reference to Barwick's-alley, where there are about fifty separate small huts, built in steps, one over the other, against a steep hill-side, there are but three privies attached, and there is only one very dirty draw-well to supply the whole neighbourhood with water. The horrid state of this alley is beyond description."

Birmingham was in the same condition; so were Manchester and Leeds. He could make that statement from his own personal experience, having examined Manchester from one end to the other. Morpeth was worth mentioning, because, being a small town, it afforded a very fair sample of what occurred in small towns. Of these, there was scarcely one in the kingdom where a measure of the kind he proposed ought not to be brought into operation. Looking to Morpeth, the inspector said—

> "In Lumsden's-lane I found lodging-houses dirty and crowded, one of which was over a large ashpit, the same where the woman had died of cholera. At the head of Lumsden's-yard there are also open middens and privies, the drains from which pass under the adjoining cottages."

And he went on to describe a place called Bell's-yard. He proceeded:—

> "This state of things surrounds the poor inhabitants with a surface of visible filth, and also keeps them in an atmosphere of foul gases, where the seeds of disease most readily ripen. Fever, according to the medical evidence, is almost constant in these places; and cholera, as shown, is first developed in such rooms as that over the privy and ashpit situated in Lumsden's-lane. This undue crowding is as destructive to the property as to the health of the poor inhabitants. The wet and damp retained by the middens generate rot, and the surface filth is trodden into the houses, the cleansing of which is consequently neglected, and the result is rapid decay. If a labouring man is compelled, for want of better accommodation, to reside in such tenements, he loses his health, loses his labour, and the owner cannot obtain payment from a family reduced to pauperism, and so he loses his rent."

That was a state of things which was frequently found to exist. A labouring man came to a town where employment was to be had, when he was in the prime of life, from 25 to 35, and capable of making 15*s*., 20*s*., or 25*s*. a week. It was necessary he should take a lodging near the place where his work was carried on. The tenements he had to choose from were many of them in ill-drained, ill-ventilated neighbourhoods, and of the filthy description already mentioned. From these, however, he was compelled to make his selection. What was the consequence? The consequence, as appeared from the testimony of city missionaries and ministers of all denominations, was that of hundreds and hundreds of these men, who came in the prime of life to a town in search of employment, it was found, ere long, that their health was broken down, that they came on the parish, that they sank into the grave, and that they left their wives and families a permanent burden on the community. Now, the following graphic description of the lodging-houses in Morpeth was furnished by the town-clerk:—

> "The table will show the narrow space afforded to each, but it can give no idea of the actual state of the rooms, or the scenes they exhibit. Those that offer beds have these articles of luxury filled with as many as can possibly lie upon them. Others find berths below the beds, and then the vacant spaces on the floor are occupied. Among these is a tub filled with vomit and natural evacuations. Other houses have no beds, but their occupiers are packed upon the floor, in rows, the head of one being close to the feet of another. Each body is placed so close to its neighbour as not to leave sufficient space upon which to set a foot. The occupants are entirely naked, except rugs drawn up as far as the waist; and when to this is added that the doors and windows are carefully closed, and that there is not the least distinction of sex, but men, women, and children lie indiscriminately side by side, some faint idea may be formed of the state of these places, and their effect upon health, morals, and decency. Fevers prevail, and the sick-ward of the workhouse is filled with typhus in its worst form from these places."

A gentleman, who had taken a great interest in the examination of towns, with a view of obtaining some remedy for the existing evils, gave an account of a part of Leeds, in which he stated that in a yard he inspected—

> "was a house containing one room, with one bed in it, and no fewer than eight persons were found occupying it. In the same yard was another house, comprising two rooms, and containing three beds, and 31 persons were occupying them, giving an average of more than 10 persons to each bed. In that yard there were several other houses, in which three, four, or five persons occupied each bed. In a semicircle, drawn in a radius of about a quarter of a mile, they found 222 such lodging-houses."

What wonder, then, that typhus fever greatly prevailed? that the medical officers reported that it mainly had its origin in the low lodging-houses of the town? Again, another from Bradford writes—

> "In some of these cellar-dwellings, of about four yards square, there were collected sometimes 20 persons, some in beds, some on the floor; some naked men and women together; children in the smallpox in the midst of them. One of these lodging-house keepers had been fined a few days before for having taken in so many. 'Sir,' said he, 'what is to be done with these people? there are not houses for them; can I let them lie in the street?' 'I am told,' said his informant, 'that supposing Bradford to contain 60,000 people, at least one-fourth are at this moment thus lodged.'"

He should mention only one other place in London, for the purpose of showing the absolute necessity that existed for some remedy similar to that which he contemplated; because it was right that the House should know the effect that clearances and alterations, made with the view of beautifying the metropolis, had on the accommodation of the working classes. When the great thoroughfare of New Oxford-street was opened, a great number of wretched dwellings were cleared away, and no provision was made for the accommodation of those inhabitants who were displaced, so that while the formation of that street added to the beauty of the town, it had the effect of exaggerating the evil that pressed on the humbler classes. There was a district in Bloomsbury called Church-lane, one of the filthiest that existed in the metropolis, and one of the most unsafe to visit, from the constant prevalence of fever. It was examined in 1848 by the Statistical Society, whose committee stated in their report that it presented—

> "a picture in detail of human wretchedness, filth, and brutal degradation. In these wretched dwellings, all ages and both sexes, fathers and daughters, mothers and sons, grown-up brothers and sisters, the sick, dying, and dead, are herded together. Take an instance: House No. 2, size of room 14 feet long, 13 feet broad, 6 feet high; rent 8*s.* for two rooms per week—under-rent, 3*d.* a night for each adult. Number of families, 3; 8 males above 20; 5 females above 20; 4 males under 20; 5 females under 20; total, 22 souls. Landlady receives 18*s.* a week; thus a clear profit of 10*s*. State of rooms filthy."

Now, the average number of persons in each house in Church-lane was 24, in 1841; when an examination took place in the end of 1847 the average was 40 persons to each house; and he desired particularly to direct the attention of the House to the fact that, the parties who had swelled those numbers were people displaced along that line of street occupied now as New Oxford-street, displaced in consequence of the formation and beautifying of that thoroughfare. When great improvements were in progress it was a matter for consideration whether provision ought not to be made for the accommodation of those removed, not only for their own sakes, but for the sake of the community, who were exposed to peculiar danger from the confluence of many persons into places which fostered typhus and cholera. Now, to give a summary of the state of the country, he would mention that the inspectors of the Board of Health had examined 161 populous places, the aggregate population being 1,912,599; and he might safely say that, without exception, one uniform statement was made with respect to the domiciliary condition of large masses of the workpeople, that it was of one and the same disgusting character. It was therefore to meet such a state of things that he asked leave to bring in a Bill which should be as nearly as possible a transcript of the Baths and Washhouses Bill. That measure had not been fully worked out in all respects as he trusted it would be; it was coming slowly into operation; but, where it had been applied, it had conferred a boon on the people, of which the benefits were incalculable. The provisions of the Bill he now asked leave to bring in would be—1, That the Act might be adopted in certain boroughs and parishes; 2, that the council of any borough might adopt the Act, the expenses to be charged on the borough funds; 3, that on requisition of ten ratepayers, churchwardens might convene a vestry to determine whether the Act should be adopted, but the resolutions were not be deemed carried unless two-thirds voted for it; 4, that, when the Act was adopted, the vestry should appoint commissioners for carrying the same into execution; 5, that the overseers levy, as part of the poor-rate, such sums as the vestry should deem necessary; 6, that vestries of two or more parishes might concur; 7, that town councils and commissioners might erect lodging-houses, or adapt buildings, or purchase existing houses; 8, that if lodging-houses were considered unnecessary, or too expensive, they might be sold with the approval of the Treasury; 9, that the council and commissioners might make by-laws, subject to the approval of the Secretary of State, and also fix charges subject to an appeal to the Poor Law Board; and, 10, which was a necessary provision, that no person receiving parochial relief should be allowed to be a tenant. This Bill he proposed to be altogether permissive, and not compulsory; it was desirable to follow, in this request, the precedent of the baths and washhouses. He might now state from some experience of the model lodging-houses, what good effects they had produced. Nothing was more remarkable than the cheerfulness with which the rents were paid. By an accurate or rigorous system, by not allowing rents to fall into arrear, the greatest punctuality was observed, equally beneficial to the parties who let, and the parties who paid. Another advantage was the freedom from disease. There was a very remarkable statement by Dr. Duncan, an officer of the Board of Health, writing from Liverpool, with reference to the effect which even a registration of lodging-houses had attained:—

> "In a certain number of registered lodging-houses, the history of which has been traced, there occurred annually, before registration, which involves supervision, prevention of overcrowding, and attention to cleanliness, 150 cases of fever. During the late epidemic there occurred in these houses only 98 cases of cholera, while the total cholera cases in the town were to the fever cases of the preceding years referred to as two to one. So that cholera after registration was only in the proportion of one to three as compared with fever before registration."

The Model Lodging-house in George-street, Bloomsbury, was within a stone's throw of Church-lane. The ravages of cholera in Church-lane were dreadful; in the model buildings in George-street, Bloomsbury, not one person died, and there was only one case of diarrhœa, which speedily yielded to medical treatment. There was another benefit. The wages the people earned they kept. These were not expended on medical relief or the beershop. The accommodation offered in these houses held out inducements to remain at home; the possibility of cultivating some of the better part of man had been the means of reforming many in these establishments. These parties said, "The wages we earn we now keep." It was impossible to go among them without hearing the liveliest expressions of gratitude. One who visited the Model Lodging-house in Streatham-street would see the advantage to children, who had a large open space for play, instead of running in the streets and forming evil associations. Some objections had been stated to the system. First, it was said an increase of rent was a consequence which working people would not be able to bear. Assuming an increase, he was convinced they would be able to bear it, from the greater health they enjoyed, and the greater activity and diligence they would be able to bestow on their work. In many instances a working man was calculated to lose about 30 days in a year. At 1*s.* 6*d.* each day, the loss would be 2*l.* 5*s.*, which was a vast deal more than any increase of rent for superior accommodation. He would say, besides, there was no increase of rent, but a diminution, and with that an adequate profit. It was stated that—

> "The average rent paid in Snow's-rents, Westminster, 'a vile place,' was, in 1844, 2*s.* 4½*d.* per week per room. The people employed in the docks

> pay from 1*s.* 6*d.* to 3*s.* per week for single rooms, which for filth and disgusting appearance were such wretched hovels as defied giving a fair description of them. The single men pay in the lodging-houses 1*s.* 6*d.* per week for half a bed, and 2*s.* for single beds, several sleeping in the same room, wanting in comfort, cleanliness, &c."

Another statement was, that the apartments rented by the London Dock labourers were at 2*s.* to 4*s.*, the average being 3*s.* per week per room. Another person said—

> "As near as I can judge, the average price paid per week for the wretched rooms occupied by the lowest poor in the vilest neighbourhoods is about 2*s.* 6*d.* To make up this rent the apartments are crowded to the greatest excess."

What was the rent in the model lodging-houses? In George-street, Bloomsbury, every man had a compartment to himself, with a bed, chair, and space for all necessary movements. For that compartment he paid 4*d.* a night, exactly the same payment demanded from him in the worst and most disgusting locality. That house yielded a clear profit of 6½ per cent on the money invested. Then houses of three rooms, with every accommodation and a constant supply of water, were given at a rent equal to that exacted for one room elsewhere. The rent varied, according to the position of the rooms, from 3*s.* 6*d.* to 7*s.* An artisan, with 25*s.* to 30*s.* a week, might take a house at 6*s.* or 7*s.*; those making less, a house at 4*s.*; but they received every accommodation for the same sum that they paid for one disgusting room, which often had to be shared with another. Then it was said these matters ought to be left to private speculation. He should much object to that. Private speculation was very much confined to the construction of the smallest houses, of the lowest possible description, because it was out of those the most inordinate profits could be made. Private speculation was almost entirely in that direction. Then private speculators would not undertake these houses, for to make the lodging-house system work well, there must be constant and vigilant superintendence. Again, at this particular time there were many advantages for the construction of model lodging-houses. First, the reduction of the duty on bricks had greatly facilitated the operations. It was a reduction of 15 per cent to the consumer. On the entire cost of the house in Streatham-street it was about 3 per cent; but when the hollow brick was brought into use for houses of moderate size, a saving would be effected of no less than 25 per cent. He wished also to bear testimony to the great value of reduction of the window duty, and wished the Chancellor of the Exchequer were present to hear the result of the experience obtained by those interested in the model lodging-houses. The Streatham-street house contained suites of apartments for fifty families. If these suites were separate dwellings, there would be no window tax; but, being under one roof, window tax might be demanded to the amount of between 60*l.* and 70*l.* a year, adding 25*s.* a year to the rent of each set of apartments. The removal of the window duty would permit a reduction of rent from 7*s.* to 6*s.* 6*d.*, and so on. Now, the present proposition violated no principle. These houses were self-supporting. What had been the result of some years' experience? The Society for Improving the Condition of the Labouring Classes had expended 20,750*l.* in building and fitting up these new piles of model houses, and 2,250*l.* in improving, adapting, and fitting up these ranges of old dwellings, making together an expenditure of 23,000*l.* The net return on the same, after deducting all incidental expenses, including those of management and ordinary repairs, averaged 6 per cent; or on new buildings, 5½ per cent; on old, 12 per cent. They had kept one house as a curiosity, and as an illustration of the exorbitancy and intolerable profits levied by the low lodging-houses. It was a small house, on which the profit was not less than 30 per cent. There could be no doubt that, from many of the houses a much larger profit was obtained. By the removal, too, of single houses in some localities, much might be done to promote a better circulation of air, and improve an entire district at a very cheap rate. It would, moreover, be very desirable to remove impediments in the way of associations to be formed with limited liabilities; but the expense of a charter was now an insuperable obstacle to the formation of all societies. He was anxious the House should take up a matter which had excited the interest of all civilised Europe; from parts of which, as well as from America, letters had been received, asking for the plans, and reports on the subject. He was certain that he spoke the truth—and a truth which would be confirmed by the testimony of all experienced persons, clergy, medical men, all who were conversant with the working classes—that, until their domiciliary condition were Christianised (he could use no less forcible a term), all hope of moral or social improvement was utterly vain. Though not the sole it was one of the prime sources of the evils that beset their condition; it generated disease, ruined whole families by the intemperance it promoted, cut off or crippled thousands in the vigour of life, and filled the workhouses with widows and orphans. Let this be taken as a proof: in the time of cholera, in the Model Lodging-house in St. Pancras, there were 500 persons under one roof. In a small court, called Peahen-court, in Bishopsgate-street, there resided 150 persons. Mr. Grainger, the inspector, went over that court, and reported to the Committee, that, if the cholera did break out there, the consequences would be frightful. Three days afterwards the cholera broke out on that spot. In the Model Lodging-house, not a single person died of cholera. In Peahen-court, there were 7 deaths; and in one day 12 orphans were thrown on the workhouse. He found that the number of widowers, widows, and orphans, in 95 unions, caused by the cholera was—widowers and widows, 628; orphans, 1,689; total, 2,317. In Bradford there were 27 widowers and widows, and 82 orphans; total, 109; in Leeds, 35 widowers and widows, and 73 orphans, 108; Lambeth, 81 widowers and widows, and 234 orphans, 315; West Bromwich, 34 widowers and widows, and 86 orphans, 110; Wolverhampton, 27 widowers and widows, and 68 orphans, 95; and most of these became permanently chargeable on the workhouse. But what cholera did suddenly and openly, fever did slowly and secretly. The cholera slew its thousands, but fever its tens of thousands; and, if they doubted the fact they might have, within ten minutes' walk of the magnificent palace that was now being built for Parliament, full evidence of it. His prayer was, for leave to bring in a Bill to remove some of the fatal impediments that prevented the free exercise of the activity and energy of the working classes. They had never sufficiently tested either the will or the capacity of those classes, who, from a variety of circumstances, had been placed in a condition very disadvantageous indeed to the exercise of all their energies. He saw no reason why the working people of this country should not equal, if not surpass, in physical prosperity their brethren of the United States. Their wages were enormous, but their expenditure, in a great measure owing to their sanitary condition, was wild and extravagant. Mr. Porter, of the Board of Trade, had published a work some time ago, called *Self-imposed Taxation*, and in that work he said that the expenditure of the working classes in this realm, in the consumption of three articles that might be abstained from entirely, or in a great degree, namely, spirits, beer, and tobacco, amounted to not less than 57,000,000*l.* a year. Imagine that sum expended in wholesome food, clothing, education, and the improvement of dwellings; and could any say that the moral, social, political, and religious condition of a responsible and immortal being would not be exalted in the scale of society? He could not believe they would fail in their efforts. He felt assured that God would bless such efforts, directed, as they would be, to the advancement of the social, moral, and religious wellbeing of a very large portion of the human race; but it must be well borne in mind, that it was as necessary to pull down as to build: if these foul and dark receptacles were left, thousands would flow into them, and perpetuate the vice and wretchedness which disgraced these localities. The noble Lord then moved for leave to bring in a Bill to encourage the construction of lodging-houses for the working classes.

Motion made, and Question proposed—

"That Leave be given to bring in a Bill to encourage the establishment of Lodging Houses for the Working Classes."

Lord C. HAMILTON seconded the Motion.

Mr. SLANEY said, having himself been one of the visitors in fourteen large towns of the country, when he had the honour to be a member of the Board of Health, he could bear his testimony to the miserable condition of the working classes, arising from no fault of their own, but from the close and noisome courts and alleys in which thousands of them were unhappily located. He remembered, while in Wolverhampton, on visiting a small court there, a person with whom he conversed as to its condition, told him that he had seen all the inhabitants of that court transported twice over. He felt assured that permission would be given to bring in this Bill to allow them to direct their efforts to the mitigation of such enormous evils. One great difficulty arose from the law of partnerships, which prevented persons joining together to improve their dwellings; but he hoped there would be a remedy for that difficulty. The House should remember that the health of the working man was his property, and as they watched over the property of other classes, they ought also to watch over that.

Mr. HUME had listened with great attention to the statement of the noble Lord (Lord Ashley), and he must confess that it was a great reproach to that House that the state of things should exist of which the noble Lord had given such a painful description. Knowing the attention the noble Lord had paid to those matters, he (Mr. Hume) would ask any man whether he could have believed that such things existed in this country? Who were to blame? Not the unfortunate wretches who became the victims of badly-drained localities and ill-ventilated dwellings; but the Legislature, who had the power to prevent or remedy such evils, but had not exercised that power. The noble Lord had referred to the United States of America. There every man was taught to read and write; and what was there, he asked, inherent in the Englishman to prevent him from equalling the American? He remembered when 75 per cent of our whole taxation was levied from the working man, and it was not until within the last ten years that any attempt had been made in the direction of a more Christian and humane legislation. One great means for removing the present wretched state of things was the carrying out of the commercial policy of the late Sir Robert Peel; for the change of our fiscal system had proved very much calculated to improve the state of society. Another means was the promotion of education—an object, alas! too much obstructed by the opposition of rival sects of religion, who could not agree as to the system to be adopted, and so resisted any. In Manchester he was happy to find an attempt had been made to conquer this obstruction; and in Leeds, Liverpool, and other large towns, endeavours had been made for the diffusion of education, which deserved all praise. But the Government ought not to leave this great work to individuals. It was the duty of the Government to enforce the proper instruction of the people. Such measures as that before the House were useful; but it must be a general change alone which could remove a general evil, and until the various Christian communities united in the object of diffusing education among the masses, it was hopeless to expect any general improvement. The present measure could only be of any effect in distant parts of the country, by way of holding out examples worthy of imitation. Its object was laudable, but its effects would be superficial; and until the Government felt and acted on the conviction that legislative intervention ought not to be restrained to the mere physical improvement of the people, but applied also to their moral and religious education, no real progress could be made in the extirpation of the evils of which all perceived the existence.

Sir G. GREY said, he gave a willing assent to the introduction of the Bill; the subject being, he was aware, intimately connected with the well-being of the great body of the people. He feared that the system which prevailed in the metropolis, and the other large towns, of crowding together masses of people in ill-constructed and in ill-ventilated houses, was destructive alike of their physical health and moral welfare. As to the measure proposed by his noble Friend, of course the House must suspend its judgment till the Bill was before it. He understood, however, that it was permissive, and was framed upon the principle of the Baths and Washhouses Act, which had in so many cases effected so much benefit. But he thought that the House could not look to any measure of this kind to remove the evil which existed in the country; and his noble Friend himself had indicated the means by which greater good could be done—that is, by encouraging associations for the promotion of these objects, and, to this end, removing the obstacles, fiscal, legal, or otherwise, which had hitherto stood in the way of the working of such associations. His hon. Friend (Mr. Slaney) had directed his attention to this subject, and had presided over a Committee last Session (another similar one having already been appointed), for the purpose of considering especially the expense of the obtaining of a charter by any such association. The attention of the Government had been directed to this subject, and measures would be taken shortly to reduce that expense within reasonable limits. Such measures were more to be relied on than any direct legislation. He had been glad to hear his noble Friend state the importance of the alteration of duties like those on timber, and acknowledge the advantages arising to the working classes from the repeal of the window duties. And he was persuaded that by proceeding in this course, and removing obstacles in the way of the construction of lodging-houses for the poor, more good would be done than by any direct legislation on the subject. He was not, however, at all inclined to disparage the effort made by his noble Friend, under certain restrictions and in certain cases, to encourage the formation of model lodging-houses out of the poor-rates. He did not doubt his noble Friend would adopt the principle of the Baths and Washhouses Act, as establishing a scale beyond which the rents should not be raised, in the event of lodging-houses being erected and placed under the control of Commissioners. It was not only in towns, but also in the country, that the subject was important, for in many country districts not to be reached by any Bill such as that proposed by his noble Friend, the evil existed to as great an extent almost as in large towns. Speaking, however, of that part of the country with which he was more immediately connected, he would say that the attention of the upper classes had been turned to the subject; and they had felt that the responsibility rested on them of providing houses for the poor, independent of any pecuniary advantages to be derived from such a system, and rather regarding those far higher and more valuable results, the improved condition and religious and moral elevation of the working classes. As to the question of education, he concurred with his hon. Friend (Mr. Hume) in thinking that it was of the greatest importance; and he agreed in the feeling of gratification his hon. Friend had expressed at the attempt lately made at Manchester, with a good prospect of success, to establish a system of education more commensurate to the wants of the population than any hitherto existing. Without, however, entering further into that subject, he must say that he thought his hon. Friend, in complaining of the inertness of the Government, had overlooked what they had recently been doing, and the great improvements they had effected in the promotion of popular education. But, after all, it was not to the Government, it was rather to the efforts of individuals, and associations of individuals, that they must look for real and general improvement among the great body of the people. All that the Government could do was to remove obstacles in the way, and to present facilities, by modifications of the law, more useful than direct legislation. He wished success to the scheme now set on foot for the abatement of so enormous an evil, and he thought the country was indebted to his noble Friend for having called attention to the subject. The very notoriety of the facts his noble Friend had stated, would lead persons to devote more attention to the subject, and each in his separate sphere would, he trusted, use his influence for the attainment of so important an object.

MR. STANFORD said, for some years his attention had been directed to the subject; and he had in his own parish endeavoured to promote the object they had in view. He had, however, experienced much opposition from the ratepayers, and he was persuaded that the Government ought to interfere, and that it was impossible for individuals or associations to attempt the work without the aid of an Act of Parliament. He could confirm the statements of the noble Lord (Lord Ashley), and believed that great advantage would result from his measure—not merely from the lodging of a certain number of persons, but from the effect of the example of thirty-four model lodging-houses in the different parishes of the metropolis, which would compel landlords to improve the dwelling houses they let to the poorer classes. Such measures were far more important than political rights, for it was impossible to arrive at any improvement of the religious and moral state of the poor while they were badly clothed and housed, and unable to practise proper cleanliness and decency.

MR. W. J. FOX said, there was a strong necessity for direct legislation, even more direct than that now proposed. The extension of education might, as his hon. Friend the Member for Montrose had stated, do much for the eradication of existing evils, but could not do all that was required. Instances occurred by hundreds of thousands of persons tolerably instructed coming to large towns for the sake of employment, and forced by necessity into those dens which had been alluded to, there to herd with the wretched inmates, and to have their whole moral being degraded and debased. It was impossible for the poor of themselves to resist the inevitable effects of the evil and powerful influence of circumstances thus brought to bear upon them. There were two great difficulties which made direct interference on the part of the Government necessary. One was that the working man was limited in the range of his residence, being forced to sleep within a certain distance of his place of employment. The other was, that the farming out of old houses in the loathsome way which had been described, was a lucrative occupation. Such "fever factories," as they had been called, should not be allowed to exist, but should be proscribed by law. So long as such a system existed, nothing great could be effected by education among the working classes, who had not the power—by free competition—of resisting the wretched system to which they were exposed. His fear was that the measure of the noble Lord would be too feeble, and would not do enough. The very improvements effected in those parts of the metropolis or other large towns inhabited by the middle classes, aggravated the evil under which the poor suffered, for they were cramped up into a smaller compass, and were more and more crowded together. Such a system unquestionably called for powerful legislative interference.

Lord C. HAMILTON, as a member of the Metropolitan Building Association, could inform the hon. Members who had preceded him, that much good could be effected without the aid of Acts of Parliament; and he could tell the hon. Member for Reading that steps had been taken to introduce the improved system of the association into that town, where he hoped it would have his support. His opinion was, that direct interference was not the duty of the Government, and that the removal of obstacles and difficulties was all that the Government should attempt. One main difficulty was in the expense of commencing an association, and he could state that the obtaining of the charter for the association he belonged to had cost 1,200*l.* If means could be devised for reducing the expense, much good would be effected.

Mr. LABOUCHERE said, that the amount of the expense in that instance had been owing to peculiar circumstances, especially the great length of the charter, and a legal error in the course pursued by the association. Certainly, however, the expense of unopposed charters was at present too great, and the attention of the Government had been directed to the subject. He felt that whatever check might be imposed on the formation of such associations, it ought not to be in the indirect form of a heavy pecuniary fine, but rather with the discretion exercised by that department of the Government which was entrusted with the regulation of such matters. It was unfair to impose a heavy fine, in the shape of expenses, upon a charter the granting of which that department must have already decided was a public benefit. He believed the expenses would be reduced to such a moderate extent, that they would no longer interfere in the attainment of objects so desirable.

Leave given.

Bill ordered to be brought in by Lord Ashley, the Marquess of Blandford, and Mr. Slaney.

STATE OF IRELAND.

Sir H. W. BARRON said, he begged to move that that House should resolve itself into a Committee, to take into consideration the state of Ireland. In doing so he would attempt to describe the distressed condition of the great majority of the people of Ireland, and would compare her condition in 1845 with her condition at the present moment. He took 1845, because it was immediately after that year that the three great causes to which he attributed the present distressed condition of Ireland had occurred. The first cause to which he alluded was the famine, the second was the change in the corn laws, and the third was the disastrous poor-law which had been inflicted in 1846. To commence with the poor-law, he found that in 1845 the poor-law taxation in Ireland amounted to 310,000*l.*, while in 1850, according to the official returns, it was 1,571,000*l.*, being an increase of 1,261,000*l.* He would be told by his right hon. Friend the Secretary for Ireland, that a decrease of 90,000 had taken place in the poor-law relief list. That had been vaunted from one end of the kingdom to the other, but it was the greatest delusion ever practised on a credulous people. In 1849 the Irish Members of the House pressed on the Government the necessity of abolishing outdoor relief in Ireland by means of the workhouse test, and he (Sir H. W. Barron) moved a clause in the Poor Law Amendment Act, that all outdoor relief should cease. A discussion had taken place on the 3rd July, 1849, on his clause, and every one agreed that we ought to return to what Sir Robert Peel had told the Government was the principle of the Bill of 1837, that no outdoor relief should be given. The right hon. Secretary for Ireland then pledged himself that this principle should be adopted, and the Motion was withdrawn. That pledge had certainly been kept: the Poor Law Commissioners had instructed the boards of guardians in Ireland to put the workhouse test to the whole of the paupers on the list, which caused the decrease of upwards of 90,000 paupers. In every instance in which the test had been applied the relief list had been reduced. In one of the Dublin unions there were 17,000 paupers on the outdoor relief list; the test of the workhouse was applied, and in six weeks only 400 out of that number were found to take the test. In the union of Waterford, he had obtained his information from the master of the workhouse; in July, 1849, there were 2,500 persons on the outdoor relief list, only 200 of whom had taken the test. He therefore asserted, that the reduction of the outdoor relief lists was no proof of the reduction of pauperism. It simply showed that great fraud was practised before the test was applied. There were 191,000 on the indoor lists in 1848; in 1849 there were 194,000; and in 1850 197,000, thus showing a considerable increase in the number of paupers. He would now look at the state of the workhouses in his own district. In Waterford, on the 1st February, 1850, there were 2,540 persons in the workhouses; and on the 1st February, 1851, there were 2,798. In Kilkenny, on the 1st February, 1850, there were 2,986 paupers in the workhouses; and on the 1st February, 1851, there were 4,120. In Cork there was an increase of 141 persons during the same period. The pauperism of the country was thus increasing instead of decreasing. The master of the Waterford workhouse stated that in May, 1849, there were 1,128 persons on the outdoor relief list; but if the families of those persons were included, it would increase the number to 2,548. The county rate had increased in 1845, to from 149,132*l*. to 351,000*l*. Thus making an increase of taxation—poor-law, 1,261,000*l*.; county rate, 201,868*l*.; total, 1,460,000*l*. With this great increase of taxation, what was the state of the agricultural districts? He found, by Captain Larcom's tables, which reached down to the beginning of 1850, that, compared with the first year he had alluded to, there was a decrease of corn cultivation—including peas and beans—of 1,139,000 acres less in 1849 than in 1847. The taxation of the country at the same time had increased by nearly 1,500,000*l*., and the means of paying that taxation was from the land. Taking 6*l*. an acre as the average value of corn produce, that would make 6,600,000*l*. less in the produce of grain cultivation than in 1847. Then the return of swine imported into England from Ireland showed a diminution of 1,000,000*l*. less than in 1845, which, together with the decrease of 500,000*l*. in the importation of sheep from Ireland, would make altogether upwards of 8,000,000*l*. less produce. How could any country go on with such a decreasing produce, and increasing taxation? These facts could not be denied. He had seen destitution surrounding him at every step —he had seen things which were never known, and could scarcely be believed by any one in this country. Every one who had looked at the effect of the Encumbered Estates Bill, would see how landed property had diminished in value. In his own county alone, three estates had been sold, one of which had been sold 32 years ago at 23 years' purchase. It had now been sold for little more than 12 years' purchase. Land sold in 1845 for 24 years' purchase, was now sold, according to the average rate of the Commissioners of Encumbered Estates, for 14 years' purchase, sometimes even less than nine. Land in Ireland was let at a rate 30 per cent cheaper than in this country. Frown his own experience as a landowner and as a farmer on an extensive scale, he could say that land in Bedfordshire, Oxfordshire, and Kent, with which counties he was familiar, was let 30 per cent higher than in Ireland. The reason why land was selling at so low a price in Ireland was the bad legislation of that House, which had glutted the market at a time of extreme depreciation. But did all these circumstances affect land only? They affected all the towns with which he was acquainted. For instance, household property in the city which he had the honour of representing (Waterford), had fallen 40 per cent, and there was 5,000*l*. per annum of rateable property in that city uninhabited. Trade had vanished, and the shopkeepers were all but bankrupt. The labourers had either emigrated, or were in the poorhouse. He asked for investigation into these facts—he challenged inquiry, for he was certain that he could prove them. He had lately seen a letter from Dr. Murray, the Roman Catholic Archbishop of Dublin, in which he stated, in answer to a letter which had been addressed to him by a clergyman, asking, whether a collection should be made in his chapel for the proposed Roman Catholic university—

> "In the present impoverished condition of our city (Dublin)—while our charitable institutions of prime necessity are, as you well know, languishing for want of adequate support—when the very rent which is due for your parochial house has not, from the decayed state of the parish, been yet collected, I cannot bring myself to call on the poor labourer and the struggling shopkeeper

for a collection on their entrance into their place of worship."

This, he thought, was pretty strong evidence of the distress which prevailed in the metropolis of Ireland. He was not very fond of quoting from newspapers; but there was a passage from the *Dublin Evening Post*—a great free-trade paper, and which, he believed, was the only paper in Ireland patronised by the Government—a paper whose constant cry had been, that the Irish landlords were the greatest tyrants in the world. The article began in the usually flippant style of that paper, and then proceeded as follows:—

> "If the Papal Aggression Bill were abandoned, there would still remain agricultural distress. This is an evil, and a most formidable evil, for which there seems no hope of remedy. Still we hold it to be our duty to publish accounts of this distress, and to force the well-grounded complaints of the Irish landowner and farmer on the attention of the public. The exhausting effects of famine and its inordinate taxation have left the Irish farmer helpless in the struggle to hold his position against still deficient crops and unremunerative prices."

He found that, even in his own district, at the present moment, a sum of 1,800*l.* was outstanding for poor-rates; and the collector said, that he should be obliged to seize, in order to levy that large amount. It was also a further proof of distress, that, in all large towns of Ireland, the number of coaches and vehicles had diminished in a most remarkable manner. In Waterford formerly, there was kept 40 pairs of coach-horses, now there are only 16 pairs. Formerly there were two steamers running between Waterford and Bristol: one had already ceased running, and the other was about to be taken off. He thought that the condition of a country which was suffering under this state of distress, ought to command the attention of Parliament. Every class—and no class so much as the labouring class—was reduced at this moment to the lowest state of misery and distress. He would now read an extract from a letter from a gentleman in Ireland who was a Whig, and who had made large sacrifices for the Whig party in Ireland. That gentleman said—

> "The resignation of Ministers has been received here, and I regret to say that it has been received with universal satisfaction. The Whigs have been very unfortunate in the government of Ireland. Trade is smashed, the landlords ruined, the towns broken, and the labourer in the poorhouse. Those of the people who have the means left are flying out of the kingdom by parishes. To this complexion has it come at last, that the Irish nation is totally wrecked, and left to be devoured by its own paupers. The cities, the towns, the villages, are half deserted; nearly all the peasants' cottages are levelled to the ground, and their former inhabitants wandering about the country as beggars or thieves. Such is the multitude of these strollers, that the farmers cannot sleep at night, lest their houses should be broken into and robbed. The spring emigration has commenced by 700 persons leaving this port on yesterday."

This subject of emigration proved, more than anything else, the miserable condition of Ireland. What alarmed him most was, that it was not the pauper that was going; but the man who had some money was getting together his means, and leaving a country in which he could no longer gain a livelihood. He agreed entirely in what Lord Stanley said to his friends the other night, that—

> "Can it be a mark of the prosperity of a country when tens of thousands of industrious men, women, and children, are collecting together the wreck of their fortunes, and flying from penury and distress at home, and carrying with them what they have been able to save out of their diminished capital and property, to enrich, not our own colonial possessions, but foreign countries, with their industry and capital, and, in too many cases, their blighted affections also."

Those people would not forget that it was bad laws which had driven them from the land of their birth. He believed that nothing but extreme misery would drive an Irishman away from his native land. Let him observe that it was one most remarkable feature connected with these poor people, that they send large remittances to relieve their unfortunate families at home. He had known some of them to send back 9*l.* or 10*l.* in as many months, who left Ireland without a single shilling beyond the expense of paying their passage to New York or some other American port. However they might abuse the Irish nation in that House and in the newspapers, he would say that there was not a better peasantry on the face of the earth than the Irish peasantry; and that fact—which he now stated with respect to these remittances for the relief of their unfortunate relatives and friends at home—was worth whole volumes of eulogies. As to criminal offences, these had fearfully increased in Ireland. In 1845, the number of criminal offences against property without violence was 5,686; in 1849, the number had increased to 23,179—more than fourfold in five years. When he looked at the latest Customs returns, received yesterday, he found that there had been a falling-off in the Customs receipts in Ireland, this year, of 37,000*l.* When he inquired into the condition of the circulating medium in Ireland, he found that, in the last month alone, there was a deficiency of not less than 131,000*l.* Such was the miserable, the prostrate condition of unhappy Ireland. If the House refused to take measures for remedying that misery and raising up that prostration, they would be confessing their impotence, their unfitness to govern. He called upon English legislators as men, as Members, as Christians, not to suffer Ireland to perish, while they so vaunted the prosperity of their own country. From the Treasury bench the name of Ireland was never heard; in the Queen's Speech distant lands, India, Canada, every thing and every place, was attended to, except Ireland; model lodging-houses for the English poor were attended to, but not starving, despairing Ireland. He should conclude by once more calling upon the English Legislature to save his unhappy country.

Motion made, and Question proposed—

"That this House do resolve itself into a Committee to take into consideration the state of Ireland, with a view to relieve the distress there existing."

Sir L. O'BRIEN, in seconding the Motion, said, he believed that little was known in this country of what was passing in Ireland at the present moment. He was glad that the affairs of the Kilrush Union had been brought under the notice of the country, by the letters of the Rev. Mr. Osborne, which had detailed some most frightful and heartrending scenes, and to which he would beg to direct the attention of the Government; but he thought an undeserved censure had been thrown upon the Chairman of that Union, whose exertions were most praiseworthy. There were hon. Members who spoke of the poor-rate of 11*s.* in the pound levied last year in that union as a poor-rate of trifling amount. But he maintained that it was an enormous amount of poor-rate, when it was considered that this was a new tax in Ireland. In the year just ended, rates of 5*s.*, and then of 6*s.* in the pound, had been struck, and, since Friday last, a new rate of 4*s.* 6*d.* was announced. But this was not the strongest case. In the Tullagh Union, county of Clare, the poor-rates in the last twelve months amounted to no less than 15*s.* 6*d.* in the pound. The tendency of these high rates was to drive farmers out of the parish. Whole electoral divisions became desolate under the operation of such rates; the landlords had to pay the rates, and had to get a new set of farmers. This had happened in several cases within his own knowledge. The estimates made within the electoral divisions for the future maintenance of the poor, also deserved notice. He would not speak of two or three years ago, when the estimated rates were 44*s.* in some of the electoral divisions in the county of Clare. In one of the electoral unions of the county of Clare, the estimated poor-rate necessary for the present year was 16*s.* 10*d.* He saw, by a letter from Lord Dunsandle, chairman of the Loughrea Union, county of Galway, that in some of the electoral divisions of that union the estimate was 20*s.* in the pound for the coming year. The hon. Member for Kerry said the other night that the estimate for the union of Kenmare was 26*s.* in the pound for the ensuing twelve months. Now, the right hon. Gentleman the Secretary for Ireland (Sir W. Somerville) had the rate in aid and 68,000*l.* in hand to give to these distressed unions. But how would he proceed when that rate was expended? Then as to the crowding of the gaols. In the county of Clare there was a gaol built for 180 persons that had 600 in it. The cost of this gaol ten years ago was 1,500*l.*, this year it was 6,000*l.* The poorhouses in the county of Clare were crammed to overflowing; one contained 5,000 inmates, another 4,000, and another in the union of which he was chairman had 3,000 inmates. Altogether 20,000 persons were shut up in the workhouses in that county. In the city of Limerick there were 7,000 in the workhouse. He need say nothing of the immorality caused by the congregation of such numbers, or of the cruel separation of families. He believed it would be far better to give outdoor relief; but the impositions practised by the applicants for relief, and the want of firmness on the part of those who managed the Poor Law, rendered it impossible to give outdoor relief without the liability to constant and wholesale impositions. The extent to which this imposition had been carried had driven them (the Irish Members) to press it upon the Government that no outdoor relief should be granted, but that the workhouse test should be adopted. He thought it would have been better if the Government had thrown their weight into the local administration of the law instead of weakening it. The indoor test need never have been resorted to if the Government had given to the people of Ireland the power of administering the law without the interference of the Poor Law Commissioners, whose expenses last year amounted to 17,000*l.* He trusted the House would grant the Committee, because he believed that facts would be unfolded with which the public were little acquainted.

SIR W. SOMERVILLE said, the hon. Baronet who introduced this Motion had done so in a somewhat ingenious manner. He commenced by fixing on a period from which he said he would start, and by stating that between that period and the present he intended to make a comparison, and to draw the conclusion which he wished to offer to the House. The hon. Baronet stated that he attributed the present distress to the famine, to the repeal of the corn laws, and to the poor-laws. After stating that opinion, however, he commenced an attack on the poor-laws, and from the general tenor of his speech it was not difficult to observe that the Hon. Baronet attributedt he whole distress to those laws. [Sir H. W. BARRON: No, no!] He (Sir W. Somerville) would not now dwell on what was the condition of Ireland in 1845; but to hear the hon. Baronet, they would have supposed that it was then in a state of perfect prosperity—but on that point he need only refer to his hon. Friend the Member for the University of Dublin (Mr. Hamilton), to the hon Member for the city of Londonderry (Sir R. Ferguson), and to the other Members of Lord Devon's Commission who had framed that Report and collected that evidence, which showed what in 1845 was the condition of the Irish people, and particularly of the labouring population. The period at which the hon. Baronet had commenced his comparison, was, in the opinion of the Devon Commission, that in which the position of the labouring population was everything that was miserable, wretched, and degraded. The hon. Baronet drew a comparison between the poor-rates levied in 1845 and those made in 1851; but he omitted the intermediate periods, the fact being that there were 80,000 or 90,000 paupers less now than there were then. He held in his hand a return, for which he had moved in the beginning of the present Session, giving the expenses of the poor-law. This return did not begin in 1845, but was confined to the three last years, which would show whether the expenses of the poor-law had increased or decreased in that period, and whether the number of paupers had also increased or decreased. The ordinary expenses for all Ireland under the poor-law during the quarter ending the 31st of December, 1848, were 425,045*l.*; 1849, 302,976*l.*; 1850, 247,271*l.* Now, he would not say, after reading this return, that Ireland was in a state of prosperity, but some progress in improvement had at any rate been made during the last two or three years; and the comparison made by the hon. Baronet was shown to be most unfair, and only calculated to mislead the House. The total number of paupers on the relief lists at the close of the quarter ended December 31, was, in 1848, 585,106; 1849, 290,015; 1850, 200,533. He could not attempt to prove upon these figures that Ireland was in a state of prosperity, but he thought he was justified in asserting that there had been some amelioration in her condition, and that any comparison between the present year and 1845 was fallacious. The hon. Baronet had complained of the system of outdoor relief being put an end to by the measure of the Government, and yet, while admitting that the Poor Law Commissioners had discharged their duty well, he had visited them with his most severe censure. [Sir H. W. BARRON: No; I never said a word against them.] The hon. Baronet had referred to Captain Larcom's returns, and by some extraordinary process, such as leaving out the peas, he made out that there was a decreased quantity of land in Ireland under cultivation. Now, as he (Sir W. Somerville) read the returns, they showed an entirely different result. He had before him a return of the total extent of land under crops, and the quantities were as follows: in 1847, 5,238,575 acres; 1848, 5,108,062 acres; 1849, 5,543,748 acres. —[Sir H. W. BARRON: Of what?] Of cultivated land.

SIR H. W. BARRON: The right hon. Gentleman has totally misapprehended what I said. What I stated was, that in corn—including peas and beans—according to the returns of Captain Larcom, there were, in 1847, 3,313,579 acres of land under cultivation for these crops; and, in 1849, 2,174,480 acres; leaving a decrease of 1,139,000 acres.

SIR W. SOMERVILLE: Yes, the hon.

Baronet had picked out just such bits of Captain Larcom's returns as suited his purpose. What did it signify whether the land was laid down in corn or not, so long as it was cultivated? If the amount of green crops had increased, so much the better. What the House had to look to was the whole result, and not the quantity of peas and beans. And it was clear that the amount of cultivated land was greater in 1849 than it was in 1847 and 1848. The hon. Baronet had referred to the exports of cattle; and here again he had just taken so much of the return as suited his purpose, and no more. The hon. Baronet had confined his remarks to pigs—certainly a most valuable animal in Ireland; but, taking oxen and cows, the exports had increased. He did not mean to say that Ireland was in a flourishing condition, but he did say that there had been some improvement within the last two years; and picking out bits of returns, as the hon. Baronet had done, was not the way to put the House in possession of the real state of affairs. Then the hon. Baronet had branched off to his own district, and quoted the county cess paid by the city of Waterford. But the returns showed that this amount was actually less than it was some years ago. Arguments founded on returns quoted in this partial way ought not to have any weight with the House. On a former occasion the hon. Baronet had censured the Government in a letter for the introduction of a Bill, many of the clauses of which he said were copied from a Bill of his own. He could assure the hon. Baronet that not a single clause had been adopted from his Bill. The hon. Baronet had then referred to emigration as a proof of the distress in Ireland. Emigration was not a very healthy symptom; but they had had numerous Motions in that House, not for the purpose of checking, but of promoting emigration. If emigration was so great an evil, the duty of the Government would be to check, and not to promote it. On the subject of crime, he was again at issue—relying on the returns before the House—with the hon. Baronet. Comparing, not 1850 with 1845, but with 1849 and 1848, a decrease was shown; and this was the fairest test of the condition of Ireland. The returns of commitments made by the constabulary showed the following totals for the months of January and February in 1849, 1850, and 1851:—

	1849.	1850.	1851.
January	1,810	1,017	919
February	1,686	1,124	960

These statistics were more correct, and better calculated to lead the House to a just conclusion, than those of the hon. Baronet. The hon. Baronet the Member for the county of Clare (Sir L. O'Brien), who seconded the Motion, complained that the administration of the Poor Law interfered too much with the functions of local boards. The opinion of the House generally was quite opposed to this view. It was right that every latitude should be left to local boards, and that the power of the Poor Law Commissioners should only be resorted to in cases of great emergency. The state of the Kilrush union had been referred to; but taking into account the difficulties which the guardians of that union had to contend with, the Commissioners had called for a special report from their inspector on the state of that union, which report, as soon as presented, would be laid on the table of the House. He might add that the statements of the Rev. Mr. Osborne in the public press with respect to that as well as other unions, had attracted the notice of the Commissioners, who had instructed their inspectors to report thereon; and these reports would also be laid before the House. He must state that the Poor Law Commissioners were gentlemen of as great humanity, and as anxious for the welfare of the poor, as was Mr. Osborne himself. The hon. Baronet (Sir H. W. Barron) had said that the affairs of Ireland were not cared for in that House. Now he (Sir W. Somerville) had just taken the trouble to make out a list of the different Commissions of Inquiry into the state of Ireland which had been issued since the year 1840. He would not go through that list, but he might state that they amounted in number to thirteen. A large number of Committees of the Houses of Lords and Commons had been appointed on matters relating to Ireland from the year 1840 to the year 1851. These Committees had embraced every conceivable subject connected with the social condition of Ireland. The number of questions they had put had amounted to many thousands, and the number of Committees had been sixty-three. Having these sixty-three Committees to refer to, his hon, Friend (Sir H. W. Barron) came forward and asked for a Committee of the whole House to consider the state of Ireland. And what to consider? He (Sir W. Somerville) had listened with attention to the speech of the hon. Baronet, but could not make out from that speech one single idea as to what it was into which they were to inquire. The hon. Baronet had not given them the slightest intimation as to the business of the Committee. Were they to launch out to sea, as it were, with no object in view, and allow every hon. Gentleman in the House to propose his own nostrum? He hoped the House would negative the proposal. It was only calculated to arouse false hopes which never could be satisfied. The hon. Baronet (Sir H. W. Barron) had not said what he would propose. He (Sir W. Somerville) suspected the hon. Baronet meant they should fish for some chance remedy which might turn up. The Motion was one which would do no good, if carried, but would prove eminently mischievous, and on these grounds he hoped the House would reject it. He was not by any means indisposed to do what was beneficial for Ireland, when it was proposed in a substantive and practical manner.

Mr. REYNOLDS said, that the right hon. Baronet (Sir W. Somerville) had stated that he could find no tangible proposition in the Motion of the hon. Member for Waterford (Sir H. W. Barron). He (Mr. Reynolds) had listened to the speech which the hon. Baronet had made, and he had the same fault to find. But he could not forget, and the House could not forget, that the right hon. Secretary for Ireland had informed them that thirteen Committees had sat on the affairs of Ireland. [Sir W. SOMERVILLE: Sixty-three.] He thanked his right hon. Friend for having multiplied it by eleven. [*Laughter.*] He was sorry that he was a little wrong in his multiplication. The right hon. Baronet had informed them that these sixty-three Committees had asked a certain number of questions. He had forgotten the number, and would therefore leave that matter to the right hon. Baronet. Let them ask, however, in sober seriousness what benefit these sixty-three Committees, with all their questions, had conferred on Ireland? Had they put any additional clothes on the backs of the people? Had they increased their comforts in any degree? He believed they had not in any respect improved the condition of the people. They all knew that when any grievance was to be shelved and thrown aside, the proper way of getting rid of it was to appoint a Committee, who put a certain number of questions, and made a large blue book. Now, he begged to state that it was his intention to vote for the Motion of the hon. Member for Waterford, but he wished to guard himself against approving of his speech. He did not wish to be bound by that speech, because, if good for anything it was good for this—to do away with the Poor Law. He was not prepared to do that. It asked them to go back to protection. He was not prepared for that. It proposed to increase the power of their landlords. He was not prepared to vote for any measure which would increase their power. His object, however, in troubling the House at all on this subject was in consequence of an observation made by his hon. Friend the Member for Clare (Sir L. O'Brien) with reference to the honoured name of a benevolent and charitable English Protestant clergyman—the Rev. Mr. Osborne. He had understood the hon. Baronet to say that the House should receive that rev. gentleman's assertions with great caution. He (Mr. Reynolds) need not say that that was more than insinuating a doubt against the rev. gentleman's veracity. Let him (Mr. Reynolds) remind the House that the Rev. Mr. Osborne, in a letter to the *Times*, had offered to prove his assertions to the House, and it came with a bad grace from the hon. Member (Sir L. O'Brien) to impeach Mr. Osborne's veracity. The hon. Baronet (Sir L. O'Brien) had, however, gone further than this, and had attempted to vindicate the character of Irish landlords, and among others he believed that of Colonel Vandeleur, whom the hon. Baronet had described as a very benevolent landlord, overflowing with the milk of human kindness. He (Mr. Reynolds) had, however, the evidence of a blue book on the subject. From that book he found that in Kilrush Union within a short period prior to 1850 there had been 1,951 families whose houses had been levelled, 408 families who had been unhoused, and 341 families who had been admitted as care-takers.. The gross number who had been evicted, had their houses levelled, or been adopted as care-takers was 2,359, representing a population of 12,000 persons. He found also that there had been evicted from Colonel Vandeleur's property 185 families, representing a population of

1,001 persons. On the list from which he (Mr. Reynolds) had read the name of Colonel Vandeleur, would be found many of the guardians of Kilrush Union, many agents of guardians, many drivers of guardians, and many bailiffs of guardians. He was ashamed to say they were all Irish. [The O'GORMAN MAHON: No!] The hon. Member for Ennis said "No." [The O'GORMAN MAHON: Colonel Vandeleur is not Irish.] Well, he made the hon. Member a present of the difference. Colonel Vandeleur was what they called a transplanted Irishman. The right hon. Gentleman the Secretary for Ireland had said that Ireland showed signs of prosperity. Where did he find the evidence of that prosperity? Manufactures had vanished from Ireland; and their commercial transactions had declined. The trade of Ireland was a mere coasting trade: she was a mere huxter-shop to England. Ireland manufactured nothing for herself, and even was compelled to import the cast-off clothing of England to supply her population. How could it be otherwise? What had that House done to improve her condition? He found nothing but Acts to suspend the constitution, and Acts to amend Poor Law Acts. He heard the hon. Baronet (Sir H. W. Barron) express his regret that the landlords had not greater power given them in the administration of the Poor Law, notwithstanding that already the unfortunate people were handed over to them bound neck and heels. The noble Lord (Lord J. Russell) had introduced a clause into the Poor Law Act increasing the number of *ex officio* guardians, and making them equal to the elected guardians, though previously they were only in the proportion of 33 per cent on each board. The noble Lord also sanctioned a clause in the Poor Law Act which greatly oppressed the poor tenant. Under the old Poor Law Act the landlord was compelled to pay half the rate where the rent did not exceed the valuation; whilst at present, no matter how high the rent might be, the landlord was only called upon to pay half the rate; and in that way was much relieved. The hon. Baronet the Member for Clare (Sir L. O'Brien) had spoken of 11*s*. in the pound; but that meant only 5*s*. 6*d*. in the pound to the landlord, and 5*s*. 6*d*. to the tenant. He had forgotten one fact, namely, that under the old valuation the Kilrush union was valued at 68,000*l*. per annum, whilst under the revised valuation, it was only valued at between 40,000*l*. and 45,000*l*. per annum. Therefore, 11*s*. in the pound on the new valuation was not as severe on the landlord as 5*s*. in the pound under the old valuation. He (Mr. Reynolds) then made this assertion, that in the Kilrush union land was let to occupying tenants at double the rent it was valued at to the relief of the poor; and yet the landlord only paid half the rate. But passing from that union, he wished to know on what grounds the Government could justify their refusal to granting this Committee. What harm could it do? One good that might be expected from it was, that the feeling expressed in that House might compel the poor-law authorities in Ireland to direct immediate attention to the mortality that was occurring in the Kilrush and Ennistymon Unions. A challenge had been thrown down by the Rev. Mr. Osborne, to send witnesses down and he would prove the accuracy of his assertions; and he hoped the challenge would be accepted by Ministers. He (Mr. Reynolds) would then desist from further observations, because he had a Motion on Mr. Speaker leaving the Chair to go into Committee of Supply, when he would draw the attention of the House to all that had occurred and was occurring in these unhappy unions; and it was also his intention to avail himself on the occasion of the facts embodied in the evidence already before the House, as also of the assistance of the Rev. Mr. Osborne, notwithstanding that he had been calumniated there that night.

MR. M. J. O'CONNELL thought it was a great pity that the right hon. Baronet the Secretary for Ireland had not waited to listen to the speech of the hon. Member for the city of Dublin. He would probably have seen, had he given close attention to the subject, that if they went into Committee, the fight would not be between Ministers and their opponents, but between different sections of the Irish Members; like an interpleader suit at law, the parties would not be opposed to one another, but would be against themselves. He could not help saying that there appeared to him a great deal of justice in what was said about distress in Ireland proceeding from the free-trade measures of 1846, and the Poor Law of 1847, but he thought any attempt in those directions to retrace their footsteps would be ruinous to the population of Ireland. For other reasons he was sorry that the right hon. Baronet had refused to agree to the Motion. He did believe, however, as regarded employment for labour, that the Government could do little more than afford facilities for private enterprise; and he could not help very much regretting that the orders and rules of that House interfered with those loans to railway companies, from which the best results might be anticipated. If the House would suspend its own Standing Orders, an obstruction which they created would be removed from the investment of hundreds of thousands of pounds which private capitalists were ready to embark in the construction of railways on the security which the ratepayers were ready to give. To this the Standing Orders offered an insurmountable impediment by requiring a large proportion of the capital to be paid up. By a wise departure from the strict rules of the House, he doubted not that thousands of the starving population of Ireland would obtain employment. It appeared to him that the hon. Member for the city of Waterford (Sir H. W. Barron), in the speech which he delivered that night, had spoken of the year 1845 as the year of Ireland's greatest prosperity—it at least preceded the decadence of the Irish people. The Devon Commission made their report in the beginning of 1845, after the existence of protection upon home-grown corn for thirty years, and they stated that it was impossible adequately to describe the privations endured by the cottiers and labourers, and their families, whose only food was in many districts the potato, and their only beverage water. He believed a great amount of distress now prevailed among the labouring classes in Ireland; but if he were told that to cure that distress they must go back to a fallacious system of protection, he would point to the report of this impartial commission. In giving his vote for the Motion, he protested strongly against the opinion expressed by the hon. Member for the city of Waterford, that the distresses of Ireland were to be remedied by a return to the system of protection.

Mr. S. CRAWFORD said, that it was usual, when an hon. Member moved for a Committee of Inquiry, to give some information as to the causes of the evils which were deprecated, and as to the remedies which were suggested; but in this case the hon. Member for the city of Waterford had not given any such information to the House. If, however, hon. Gentlemen gave their attention to the extensive information obtained on this subject by various Commissions of Inquiry, and by Committees of that House, he thought they would be at no loss to determine what were the causes of the distress which existed in Ireland. They would find, as the result of all previous inquiries, that the main cause of the distresses of Ireland was the disordered state of the relations of Landlord and Tenant. He did not think it possible that the lives of the Irish people could have been saved during recent disastrous years, if it had not been for the repeal of the corn laws. He did not wish to resist inquiry into the distresses of Ireland, but he was desirous that that inquiry should be directed to a tangible point, and he would, therefore, move that the following words be added to the Motion of the hon. Member for Waterford:—"And more especially to consider the best means of amending the laws relating to the relationship of landlords and tenants in Ireland."

Mr. W. FAGAN seconded the Amendment.

Sir H. W. BARRON stated that he had no objection to the words proposed by the hon. Member for Rochdale being added to his Motion.

Amendment proposed, at the end of the Question—

> "To add the words 'and more especially to consider the best means of amending the laws relating to the relationship of landlord and tenant.'"

Question, "That those words be there added," put, and agreed to.

Lord JOHN RUSSELL: Sir, I am afraid that the House would not have any very clear or definite remedies before it if it went into a Committee of the whole House. The hon. Member for the city of Waterford (Sir H. W. Barron) proposes to go into a Committee of the whole House to consider the state of Ireland, and he refers more particularly to the famine, to the laws which admit foreign corn, and to the Poor Law in Ireland; and it appears that the hon. Member thinks, if we were to restore protection, and to repeal the Poor Law in Ireland, that we should be in a fair way for the remedy of some of the distresses of that country. Another hon. Gentleman gets up to support this Motion, but he says he would rather give greater laxity, and a more liberal system of relief—and, in fact, he would extend the limits of the Poor Law farther than it is at present. Now, I hardly think that we are likely to arrive at a correct or a satisfactory conclusion by adopting the Motion of the hon. Member for the city of Waterford. On the question of protection, the hon. Member for the city of Dublin (Mr. Reynolds) entirely opposes the views of the hon. Baronet (Sir H. W. Barron); and that of course is a question which, if gone into at all, would not have respect to Ireland only, but would have respect to the whole United Kingdom, and therefore cannot be considered with reference to Ireland alone. Then the hon. Gentleman who spoke last adds a further subject to the inquiry, and he proposes to inquire into the relation between landlord and tenant—a most important subject of inquiry—a subject on which it is most desirable to legislate; but how any Committee of the whole House would come to any accurate or satisfactory conclusion with regard to it I am at a loss to understand. I am afraid, if we went into Committee on the Motion of the hon. Gentleman, we should only find his supporters opposing everything that he had to propose, and the Committee of the whole House would find itself without any remedy whatever. With regard to the statements of my right hon. Friend the Secretary for Ireland, he did not represent, as the hon. Member for the city of Dublin seems to imagine, the state of Ireland as a state of prosperity, but what I am sorry to say is sufficiently obvious, namely (not starting from 1845, as the hon. Member for the city of Waterford started), that Ireland, although she had not suffered the calamities she has since suffered, was in this state: that there was a population far beyond the means of employment—that wages were wretchedly low—that the abodes of the peasantry were miserable beyond those of any other country in Europe—and that their food was not that which was procured by wages, but that which they themselves raised from the ground, and almost entirely consisted of potatoes. Well, when there falls on a country so situated so dreadful a calamity as a famine, and not of one year but of succeeding years, it is but an infallible result that there should follow those dreadful scenes which we have seen—many persons driven from their homes, totally unable to pay the rent they had hitherto paid entirely from the flourishing state of their potato crops; others emigrating to distant shores, hoping there to obtain that subsistence which they could not procure at home; and a great number of persons crowding to the workhouses as the last resource, and in a state of weakness which would produce a great mortality. These are the consequences which we have seen—the consequences not of any laws of Parliament, not of any acts of Government, but the consequences of the state of society which existed in 1845, and during the dreadful famine which succeeded that year. Why, these consequences may be likened to an earthquake occuring in a city, you will find its buildings thrown down—that if a pestilence visits a country, a dreadful mortality will ensue—that if a hurricane rages, the trees and the crops will be torn up by the roots. These are not consequences, then, against which any Government or any legislation can immediately provide; they are consequences which followed from the calamities I have mentioned. Now, we find, according to the statement of my right hon. Friend the Secretary for Ireland, that, with regard to many circumstances, although Ireland cannot be described as in anything like a state of prosperity, yet there are symptoms of a less aggravated distress than that which prevailed in former years. We have seen that with regard to outdoor relief, although it has never been refused when absolutely necessary, yet it has diminished to such an extent that in the last three months of last year, I think the whole outdoor relief did not amount to a cost of 1,000*l.*; and since that time it has been, perhaps, about 250*l.* a week at the utmost. That is a symptom that there are not so many requiring relief now as in former years. Then, with regard to crime, the number of cases returned by the constabulary have considerably diminished. With respect to other circumstances, likewise, we all saw by various accounts that there are signs of the country being somewhat less distressed than in former years. That is the state of Ireland at present. It may require remedies by the Government, and by legislation, but I hardly think we are likely to find out these remedies by going into a Committee of the whole House. The hon. Member for Kerry (Mr. M. J. O'Connell) says you should relax the laws regulating the application of private capital, and he gave us the particular case of railways. Why, if that matter requires the attention of this House, let it be brought before the House as a separate question. If the Landlord and Tenant question requires the attention of

Parliament, let the Government or any hon. Gentleman bring it forward; but it will hardly be a Committee of the whole House that will be able to decide upon such a measure when we have no specific plan before us; and I therefore trust the House will not adopt this Motion.

Mr. FRENCH, seeing the anxiety of the House for a division, would not detain them more than a few moments. Though he doubted that the authority of Mr. S. G. Osborne would be increased by his having been taken by the hand by the hon. Member for Dublin, still he could not allow them to go to a division without expressing his dissent to that hon. Member's eulogy on Mr. Osborne, and his attack on those who, under circumstances of great difficulty, were endeavouring to carry out the provisions of the poor-law in Ireland. When that hon. Member next expatiated on the merits of this rev. gentleman, he should not forget his conduct at Ballinasloe. His strictures on the management of the workhouse of that union were not only declared by the guardians to be totally unfounded, but were contradicted by Mr. Osborne's own written approbation of their management, entered in their book. His clerical duties would, in his (Mr. French's) opinion, be more effectually discharged by giving more of his attendance to them, instead of performing a part which seemed much to his taste, that of a newspaper correspondent. His hon. Friend the Member for Waterford had not been fairly treated in asserting that he had taken the date of 1845 as a period of prosperity for Ireland. It was necessary to take that date as a starting period, in order to show not only the present condition of that country arising from the famine (the effects of which he fully admitted), but also to show how it had been aggravated by the course of legislation which had been adopted. Poor-law extension, to which he might add the Incumbered Estates Act, and other Acts equally fatal to the interests of Ireland, were heaped over each other: a policy exactly the reverse of that pursued towards England whenever difficulties of a similar nature had overtaken her. His right hon. Friend the Secretary for Ireland had stated that there was nothing new in the present aspect of affairs in Ireland, or differing from other periods in which similar inquiries had been moved for. He must admit that the intensity of distress was much greater now, and that every interest in Ireland was suffering under it; there was, however, a new feature at present, in the depopulation of the country, which was proceeding rapidly, but of which Ministers seemed to think of lightly. It was, however, a feature well worthy the consideration of England, when the consequences of Irish emigration at former periods of her history were weighed. Let them remember the consequences as shown at Fontenoy—let them remember the recapture of Cremona from the Prince Eugene in person—let them remember that America was lost to this country by the check given by the Ulster emigrants at the lines of Pennsylvania—let them remember that in the late war with that country the veteran troops of England, flushed with their success in the Peninsula, were met on terms of equal issue by raw levies of Irishmen—let them remember that the republic of Mexico fell before an army, nine-tenths of whom were Irish—and let them understand that the United States were conquering, and would conquer, the entire of the new world, through the instrumentality of those whose departure was viewed with indifference.

Sir H. W. BARRON rose to reply. He denied both what the right hon. Gentleman the Secretary for Ireland, and what the noble Lord at the head of the Government had said, and also what the hon. Member for the city of Dublin, he believed, had said, namely, that he (Sir H. Barron) had stated in his speech that he wished to have the Poor Law repealed. He had stated nothing of the kind, or in the remotest degree leading to it. He had objected to the outdoor system of relief, and had alluded to nothing else. It had also been alleged by both the noble Lord and the right hon. Secretary for Ireland, and he believed by the hon. Member for Kerry (Mr. M. J. O'Connell), that he (Sir H. Barron) had proposed in his speech that they should return to the old system of protection. He had never said anything of the kind. He had left the House to draw their own inferences. He had purposely avoided proposing any remedy, because it was not the time. But let them go into Committee, and he would be prepared then to do so.

Main Question, as amended, put.

The House divided:—Ayes 129; Noes 138: Majority 9.

List of the Ayes.

Anstey, T. C.
Arkwright, G.
Bagge, W.
Bagot, hon. W.
Baillie, H. J.
Baird, J.
Baldock, E. H.
Bankes, G.
Barrow, W. H.
Bateson, T.
Bentinck, Lord H.
Beresford, W.
Berkeley, hon. G. F.
Bernard, Visct.
Blake, M. J.
Blandford, Marq. of
Blewitt, R. J.
Boldero, H. G.
Bremridge, R.
Brooke, Sir A. B.
Bruce, C. L. C.
Bruen, Col.
Buller, Sir J. Y.
Burghley, Lord
Burke, Sir T. J.
Castlereagh, Visct.
Chichester, Lord J. L.
Christopher, R. A.
Clive, H. B.
Cobbold, J. C.
Colville, C. R.
Corbally, M. E.
Crawford, W. S.
Devereux, J. T.
Disraeli, B.
Dod, J. W.
Duncombe, hon. A.
Dundas, G.
Dunne, Col.
Du Pre, C. G.
Edwards, H.
Fagan, W.
Farnham, E. B.
Farrer, J.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
French, F.
Frewen, C. H.
Fuller, A. E.
Gaskell, J. M.
Gilpin, Col.
Gooch, E. S.
Goold, W.
Gore, W. R. O.
Grace, O. D. J.
Grattan, H.
Greene, J.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Halsey, T. P.
Hamilton, G. A.
Harris, hon. Capt.
Henley, J. W.
Higgins, G. G. O.
Hildyard, T. B. T.
Hill, Lord E.
Hodgson, W. N.
Jones, Capt.
Keating, R.
Keogh, W.
Knightley, Sir C.
Knox, Col.
Lennox, Lord H. G.
Lockhart, W.
Mackenzie, W. F.
Macnaghten, Sir E.
M'Cullagh, W. T.
Magan, W. H.
Meagher, T.
Mahon, The O'Gorman
Mandeville, Visct.
Maunsell, T. P.
Meux, Sir H.
Monsell, W.
Moore, G. H.
Mullings, J. R.
Naas, Lord
Napier J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir L.
O'Brien, Sir T.
O'Connell, J.
O'Connell, M. J.
O'Flaherty, A.
Packe, C. W.
Palmer, R.
Ponsonby, hon. C. F. A. C.
Portal, M.
Repton, G. W. J.
Sadleir, J.
Scully, F.
Sibthorp, Col.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, E.
Stanley, hon. E. H.
Stuart, H.
Sullivan, M.
Taylor, T. E.
Tenison, E. K.
Thompson, Ald.
Tollemache, J.
Tyler, Sir G.
Vyse, R. H. R. H.
Waddington, H. S.
Welby, G. E.
Willoughby, Sir H.
Wodehouse, E.
Wynn, H. W. W.

TELLERS.
Barron, Sir H. W.
Reynolds, J.

List of the Noes.

Abdy, Sir T. N.
Acland, Sir T. D.
Adair, R. A. S.
Aglionby, H. A.
Ashley, Lord
Baines, rt. hon. M. T.
Baring, rt. hn. Sir F. T.
Bass, M. T.
Bellew, R. M.
Berkeley, Adm.
Berkeley, C. L. G.
Bernal, R.
Blackstone, W. S.
Boyle, hon. Col.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, H.
Caulfield, J. M.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Childers, J. W.
Clay, J.
Clerk, rt. hon. Sir G.
Cockburn, Sir A. J. E.
Collins, W.
Cowper, hon. W. F.
Craig, Sir W. G.
Deedes, W.
Denison, J. E.
Douglas, Sir C. E.
Drummond, H. H.
Duncan, Visct.
Duncuft, J.
Dundas, rt. hon. Sir D.
Ellice, E.
Ellis, J.
Evans, W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Freestun, Col.
Glyn, G. C.
Goulburn, rt. hon. H.
Greenall, G.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Hallyburton, Lrd. J. F. G.
Hanmer, Sir J.
Hardcastle, J. A.
Hastie, A.
Hastie, A.
Hatchell, rt. hon. J.
Hawes, B.
Heald, J.
Heathcoat, J.
Henry, A.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Howard, hon. E. G. G.
Hutchins, E. J.
Jackson, W.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lewis, G. C.
Littleton, hon. E. R.
Locke, J.
Mackie, J.
M'Gregor, J.
M'Neill, D.
Marshall, W.
Matheson, Col.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Norreys, Lord
Ogle, S. C. H.
Oswald, A.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Palmer, R.
Palmerston, Visct.
Parker, J.
Perfect, R.
Peto, S. M.
Pilkington, J.
Pinney, W.
Price, Sir R.
Ricardo, O.
Rice, E. R.
Robartes, T. J. A.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Scholefield, W.
Seymour, Lord
Shafto, R. D.
Sheridan, R. B.
Slaney, R. A.
Smith, J. A.
Smollett, A.
Somers, J. P.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Spearman, H. J.
Stanton, W. H.
Stuart, Lord J.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Tollemache, hon. F. G.
Townshend, Capt.
Traill, G.
Trelawny, J.
Vesey, hon. T.
Villiers, Visct.
Watkins, Col. L.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyvill, M.

TELLERS.
Hayter, W. G.
Hill, Lord M.

The House adjourned at half-after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, April 9, 1851.

MINUTES.] PUBLIC BILLS.—1ª Exchequer Bills (17,756,600*l.*); Indemnity.
2ª Smithfield Market Removal.

ST. ALBANS ELECTION.

MR. AGLIONBY said, with the permission of the House he would postpone the Order of the Day for the consideration of the petition of Henry Edwards, and he would move instead, that that portion of the evidence that relates to Henry Edwards be laid before the House.

Motion made, and Question proposed—

> "That so much of the Minutes of the Evidence taken before the St. Albans Election Committee as constitutes the charge reported by the Committee, upon which Henry Edwards has been committed to the custody of the Serjeant-at-Arms be laid before this House."

SIR G. CLERK said, he believed the course taken by the hon. Member was the correct one; but interfering with an Election Committee when it was sitting, was so delicate a matter, that he thought they ought to adhere as strictly as possible to precedent. The only precedent he could find of a case in which a Special Report was made by a Committee before it made its final report, was the Grantham Election Committee in 1820. Upon that occasion the Committee reported that certain persons had absconded to avoid the service of Mr. Speaker's warrant, and a Motion was made that the parties be given into the custody of the Serjeant-at-Arms; but before doing that, the House thought it proper they should have some proof that he had so absconded, and they ordered that the shorthand writer should attend at the bar with so much of the evidence as related to that fact. He therefore hoped the hon. Member would so far amend his Motion, as to state that the shorthand writer attending the St. Albans Election Committee should attend at the bar of the House with so much of the evidence as refers to the special report on which Henry Edwards was taken into custody.

MR. AGLIONBY said, he was perfectly agreeable to adopt the suggestion of the hon. Member; but he thought it would be the province of Mr. Speaker to order the evidence to be laid before the House in accordance with the practice under such circumstances. He wanted the evidence to be printed, and that made a distinction between this and the Grantham case.

Motion, by leave, withdrawn.

MR. EDWARD ELLICE said, the evidence was confined to two witnesses. It appeared to him the matter should be disposed of as soon as possible; because if the man was right, it was clear he ought not to be taken into custody, and the course the House took now would govern the proceedings of the Committee.

Ordered—

> "That the shorthand writer attending the Saint Albans Election Committee do attend at the Bar, and produce so much of the Minutes of the Evidence taken before the said Committee as relates to the case of Henry Edwards."

METROPOLITAN CATTLE MARKET BILL.

MR. E. B. DENISON moved that the Order of the Day for the second reading of the Metropolitan Cattle Market Bill be discharged; and, in doing so, he wished to say that a circular had been published, in which it was stated that this particular Bill had been promoted by the Great Northern Railway Company. On the part of that company, he begged to say that they had had nothing to do with it, and it was not fair that such circulars should be published. He knew not whence it emanated, but he disclaimed all knowledge of and all participation in this scheme. Last autumn he was asked to join with others in promoting a scheme merely for indicating a site that was thought desirable for a new market, and he consented to do so on the understanding that two of the directors of the London and North-Western Railway Company also joined with him. But, either on the part of the Great Northern Company or individually, he disclaimed all knowledge of this scheme.

Second Reading put off for six months.

SMITHFIELD ENLARGEMENT BILL.

Order for Second Reading read.

SIR J. DUKE moved the Second Reading of the Bill, with a view to its being referred with the Government Bill to a Select Committee.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. CHRISTOPHER said, he felt it his duty to vote against the second reading of this Bill. There were now two Bills before the House for its consideration. One was the measure proposed by the Government in accordance with the recommendation not only of a Select Committee appointed by that House, which had been pretty unanimous in its decision as to the entire removal of Smithfield market from its present situation, but that decision was confirmed by a Commission which had been appointed by the Government, to whom the whole of the evidence was referred, and before whom, also, additional evidence was laid. With the exception of two members of the Corporation of the city of London, that Commission arrived at the same conclusion as the Committee. He understood that the corporation had had the option of taking this matter entirely into their own hands; that there was no desire, on the part of those who were anxious for the removal of Smithfield market, to deprive the corporation of any of its privileges acquired by ancient charters; and, that if the corporation had so removed the market, in accordance with the wish, he was sure, of the great body of the population of this metropolis, as well as of nine-tenths of the farmers and graziers who sent stock to that market, they might have had the regulation of the market and the levying of tolls connected with it; but that unreformed corporation had obstinately refused to entertain the view, not only of the Committee, but also of the Commission, and had determined to adhere to the present site, or rather to remove this most intolerable nuisance to the distance only of a few hundred yards, to the injury of the interests of the farmers and graziers who sent stock to the market. A measure had been introduced, as he had stated, by the Government, which he thought on the whole, with the exception of its details, was a very fair and reasonable measure. It proposed that the market should be removed to some suburb of the metropolis, and that power should be taken for issuing a Commission to regulate the market. His hon. Friend the Secretary of the Treasury (Mr. G. C. Lewis) had indicated the intention of the Government that that Bill should be referred to a Select Committee, and that that Committee should be nominated by the Committee of Selection. He acquiesced in that arrangement, and it was unnecessary, therefore, to state his objections to some of the details of the measure of the Government, as he was convinced that that Committee would do justice to the case, and would consider the provisions of the Bill with a view to benefit the public at large. He had no doubt that many hon. Gentlemen in the House would on that occasion represent the interests of the city of London. Great exertions had been made by the corporation to continue this nuisance in the centre of the metropolis, and a model had been shown to the public of the new market they proposed to erect at a very short distance from the present one. He went to look at that model, and asked what was the extent of the proposed site. The answer was, from sixteen to eighteen acres, but the measure of it, according to the evidence of their own engineer, was only eight and a quarter acres. He was afterwards told that that was a mistake, and the actual measure was eighteen acres. There were, indeed, other interests besides those of the Corporation of London that they had to consider, namely, the interests of salesmen, the wholesale butchers in Newgate market, and especially the graziers. Now the first resolution the Commission came to was that the market should be removed; and their second resolution was, that although the corporation had done much to abate the inconvenience that arose from the market, yet that while the market continued to be held in its present site, the inconvenience referred to would not admit of prevention. After those resolutions of the Committee it would have been more becoming in the great corporation of London if they had shown some disposition to remove the market to some situation more in accordance with the opinions of the public. But all they proposed to do was to remove a number of objectionable streets in the neighbourhood of Smithfield, at a cost of nearly 1,000,000*l.*, which money must come ultimately out of the pockets of the graziers and farmers.

Mr. Alderman SYDNEY: The cost would be only 245,000*l.*

Mr. CHRISTOPHER: When they looked at the enormous quantity of property that would have to be taken away, and other buildings erected, the cost would no doubt amount to 1,000,000*l.* As to the southern counties of Kent and Surrey, he believed more beasts went thither from Smithfield market than came thence to the market. But, from whatever place the cattle came, this was certain, that they were driven in herds about the narrow streets and lanes of the city and adjacent districts on the Sunday night, and brought on the Monday morning into the narrow area of Smithfield market, there to be offered for sale, under circumstances replete with every description of difficulty and disadvantage. At the last Christmas market there were upwards of 7,000 head of cattle, and 30,000 sheep, besides calves and pigs, collected for sale in Smithfield, in an area of little more than six acres. Now, any person whose perceptions were not prejudiced by self-interest, must comprehend that such an area as that was wholly inadequate to the proper exhibition, for the purpose of sale, of anything like such a number of animals. In point of fact, at the last Christmas market no fewer than 2,500 cattle and several thousand sheep had to be driven away from the market, after having been driven there, because there was no room to exhibit them for sale. There was no chance for the cattle to be exhibited in condition, after having been driven about, and brought jaded, heated, and footsore into the narrow area of Smithfield market. The graziers had no means of preventing this, for in consequence of the present system, they were wholly at the mercy of the butchers and the salesmen. One of the witnesses before the Committee, an eminent grazier, stated that he calculated the loss to the graziers, from the want of accommodation at Smithfield, to be, in many instances, not less than 3*l.* per head of cattle. The same witness stated that he was in the habit of attending various cattle markets throughout the country, and that he nowhere found such insufficient accommodation as at Smithfield. It was quite impossible, in fact, that cattle, cramped up as they were in that narrow space, perhaps for a whole day, after having been driven about and wearied and heated, could be otherwise than most seriously deteriorated, and especially so in cases where, not being sold, in consequence of that very want of accommodation, they had, on the close of the market, to be driven away again to their lairs at Islington to await the chance of the next market. One of the witnesses, a grazier, known to be perhaps the best judge of stock in the country, stated to the Committee that such was the damage done at Smithfield to his cattle, that he absolutely, on the Monday, did not recognise in the market his own cattle, which, on the previous day, he had delivered to the drover. But perhaps the most extraordinary evidence taken before the Committee was that given by the clerk of Smithfield market. He stated that he had been acquainted with the market for a great many years, but that he did not profess to know exactly the condition of the animals brought there. He was asked whether it was true that the more confined

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the animals were in the market, the better opportunity there was of selling them. He replied that that was not the case, but acknowledged that it was considered advantageous to put the animals so close together that they could not easily move against one another, and that they should be put sufficiently near as to prevent one another from falling down. The packing, in fact, was so close, that if one unfortunate animal fell, all those in a line with him must also fall. In order to accommodate the cattle, and their buyers and sellers, there was required, not a miserable six or seven acres, but from thirty to forty acres, so that the cattle might have room in which to stand easily and comfortably, and the buyers have space wherein fairly to examine them. The graziers themselves would then be able to come to market with their cattle, which at present they were prevented from doing by the combination among the salesmen. It was essential for the interests of the legitimate dealers that the cattle should be brought easily, with as little toil as possible, from their lairs, remain on sale as easily to themselves as possible, and, if not sold, be conveyed back to their lairs with the least possible fatigue and damage. It was his opinion that public abattoirs should be established in the vicinity of each cattle market, so that the cattle might be slaughtered without undergoing the fatigue of being driven to distant slaughter-houses; and he was satisfied that the improvement in the quality of the meat and the greater cheapness would very soon reconcile to the arrangement those butchers who, from want of due consideration of the subject, were now most averse to it. In Edinburgh, in Glasgow, and in Liverpool, these public slaughter-houses had been established with the best effect. It had been suggested, that if you instituted public slaughter-houses the only effect would be the introduction of another measure, the additional number of butchers' carts necessary for conveying the meat from the abattoirs to the various butchers' shops; but, even supposing these carts to be a nuisance at all, there could scarcely be a doubt in any unprejudiced mind that they would be an infinitely less nuisance than that which would be suppressed. He believed that his hon. Friend the Member for Northamptonshire (Sir C. Knightley) was about to support the continuance of Smithfield market. His hon. Friend's patronage of that concern was easily to be accounted for in this way — that his hon.

Friend, being noted as the best breeder in his district of short-horns, his beasts were always sure to command the best place in the market, and ready buyers. With regard to the feeling of the agricultural interest in this question, he had presented a petition that day from the principal graziers of the midland and northern counties against the continuance of the present market; and he believed it was only the salesmen and corporation of London who desired that it should be perpetuated in order to keep up their own monopoly, because, if a large new market was established, the graziers would be enabled to sell their own cattle without the intervention of salesmen. He knew it to be a fact that certain of the Smithfield salesmen had been perambulating the country and visiting the different market towns with the view of inducing the graziers to support the Bill of the corporation, under the pretence that it involved the removal of the market to a more commodious site, and that it would be the best market for their interests. Under the whole of the circumstances of the case then, after the full investigations of the subject on the part of Committees of that House, and after the confirmation of their recommendations by an independent Commission, he hoped the House would that day at least agree to the principle of abolishing the common nuisance of Smithfield market; and believing that the Bill of the Government for effecting that desirable object was the best mode of meeting the exigencies of the case, he would now move that this Bill of the corporation of London, for the enlargement of the present market at Smithfield, be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. FITZROY begged to second the Amendment. It was evident that the light had so far fallen, at least, upon the city authorities themselves, that they had conceded the question of the atrocities of Smithfield by proposing to carry it some 200 or 300 yards further westward; but this would not do. By whom was the city plan supported? First of all, by the city authorities themselves, who claimed a prescriptive right to hold the exclusive management of the market in its own hands. Now the ancient history of the city showed that when the whole of its population was contained within the walls, the market was outside the walls. Now, the population of the city was only 120,000, and the corporation chosen by 5,000 of them claimed the exclusive right of keeping the market, with all its inconveniences, in the centre of the metropolis. The other parties supporting the city plan were the London salesmen and the Smithfield money-takers, whose disinterested opinions would, of course, have due weight with the House. Much stress was laid upon the petition which had been presented from the city of London in favour of Smithfield market. He had a few facts in his possession relating to the manner in which that petition had been got up, which would show the value that was to be attached to the document. And, first, as to names absolutely forged. The name of Mr. W. Weston, of 73, Gracechurch-street, was forged; the name of Mr. W. Carter, of 23, Philpot-lane, city, was forged, both these gentlemen being in favour of the removal. These were instances of names forged; next as to names obtained under false pretences: Messrs. Eaton Brothers, and Mr. Keasley, of Islington-green, were induced to sign the city petition through misrepresentation. Mr. Harold Leigh, a respectable surveyor, living at 10, Penton-street, Pentonville, saw (when passing the building in Cheapside, where the Smithfield model was exhibited) a city policeman sign the names of six individuals without their knowledge or consent. He had further a list of sixty-six persons, whose names he could give, who had voluntarily stated that they were deceived by representations that the petition for retaining the market in a central position was for its removal—understanding that removal meant entire removal to a suburban district, and, so deceived, they signed the city petition; and this statement they were ready to confirm by affidavit. He would give two examples of these cases—Mrs. Barham, of 272, Strand, was induced to sign the city petition by the representation that it was for the removal of the market. The canvasser for the city petition called at 49, Judd-street, New-road, and persuaded Mr. Labern's son, a child about six years of age, to forge his father's name to the petition, his father being decidedly opposed to the maintenance of the market in the city. Contrast a petition got up by such means as these with the petition presented by the right hon. the Home Secretary from the great banking and mercantile houses of the City;

also the emphatic declaration against the nuisance of the ward represented by the hon. Baronet opposite (Sir J. Duke), a large number of whose constituents had petitioned against Smithfield market. The salesmen and money-takers of Smithfield, in their petition for the continuance of the nuisance, modestly keeping silence as to their own interest in the monopoly, set forth that their feelings were excited by the reflection that the removal of the market would injure the trade of London, inasmuch as the money received for the sale of cattle would no longer be received in London, and, consequently, not be spent there. Why, what was the simple fact? That the money paid for the sale of cattle in Smithfield was regularly paid to the money-takers, who as regularly, after deducting their modest per centage, forwarded the amount to the owner of the cattle in the country. The city authorities said they would give increased space. What was the increased space they proposed to give? Mr. Taylor told the Committee that the maximum number of beasts requiring to be exhibited in Smithfield on any one market day was 5,000. What was the fact? That on the 9th of December of last year 5,716 beasts were actually sold in Smithfield market, and 31,100 sheep, while on the 16th of the same month there were no fewer than 7,330 beasts sold there, and 33,233 sheep. It was calculated that the loss per annum on the value of the animals sold in Smithfield, owing to the present system, was 200,000*l.* 8,000,000*l.* a-year was the estimated value of the animals sold; and taking 2 per cent on 7,000,000*l.* only, that would give 140,000*l.* as the loss from depreciation in value to the grazier alone; but to this they had to add from 60,000*l.* to 80,000*l.* as the loss in the quality of the meat to the consumer. Another objection to the plan of the corporation was, that by their Bill they proposed to raise the tolls on the cattle to an enormous rate. The new tolls, exclusive of other claims, would be—Per beast, if cleared from the market before seven o'clock in the morning, 5*d.*, or five times the present toll; between 7 and 8, 7*d.*, or seven times the present toll; between 8 and 9, 9*d.*, or nine times the present toll. Per score of sheep, if cleared from the market before 7 o'clock in the morning, 6d., or three times the present toll; between 7 and 8, 10*d.*, or five times the present toll; between 8 and 9, 1*s.* 2*d.*, or seven times the present toll; and, if not then cleared, they would have to remain in the market till after 7 in the evening. The proposed city arrangements as to entrances were of a piece with the rest of the plan. For cattle from the southern counties, whence not more than one-twentieth of the whole supply came, there were to be three entrances, while for the enormous arrivals from the northern and eastern counties there was only one small entrance, and this moreover encumbered by the pigs and calves, and the dead-meat market, which were judiciously assigned to that locality. It was said that the city proposal would improve the character of the neighbourhood. There were, it appeared, in and about Smithfield, 2 horse-slaughterers, 2 offensive slaughterers, 8 common slaughterers, 1 neat's-foot oil factory, 2 cat and rabbit fur dressers, 3 catgut factories, 8 bladder-blowers, 13 general nuisances, such as dust contractors' heaps, bone-dealers, and low brothels, 20 receiving shops for stolen goods, and about 32 slaughter-houses. These nuisances the city plan, it was said, would remove; but, in point of fact, they were the natural concomitants of the present system, and would, under that system, accompany the market in its removal. It was urged, as a great inducement by the city authorities, that the vacant space to be created by their plan should be appropriated to public baths and washhouses and lodging-houses. The same space, and more, would be placed at the disposal of the city authorities by the Government measure; and he hoped that they would then equally apply it to the philanthropic purpose which they now announced as in their contemplation.

Sir C. KNIGHTLEY could not, for the life of him, understand what had induced his hon. Friend, who had just sat down, to meddle with either of these Bills, for he did not think the hon. Gentlemen had ever fattened an ox or a sheep in his life. He (Sir C. Knightley), however, had been in the habit, for the last forty years, of sending cattle to London to the amount of a hundred in the course of a season, and he positively declared that he never had a loss or an accident of any sort or kind during the whole of that period. Independent of that he must avow, with respect to the money-takers, that he had never known a department more admirably managed, and that he had never lost a farthing by them, or had a dispute with them in his life. Hon. Gentlemen had talked of the serious misfortunes which had happened owing to these horned monsters being driven through the streets; and they had been peculiarly pathetic with respect to fine ladies, and to nursery maids and children. Now on that point he must observe that most of the cattle were sold, driven to the butchers, and half of them killed before your fine ladies were out of bed; and as for nursery maids with children, they had no business in the streets leading to Smithfield. People talked of the selfishness of the butchers and salesmen; but there were other selfish parties in the matter. There were persons who wished to make their fortunes by the removal; and that was the real secret of the affair. But, suppose the market removed five or six miles, it was evident that they would either have more cattle driven through the streets, or else they would have to have them killed in *abattoirs* at a distance from the town. Had they ever reflected on the number of carts that would be required to carry the meat consumed in London five or six miles? Why, the streets would be as much crowded as at present, and much more dangerous. Besides, the price of meat would be raised, and in summer it would be almost impossible to get it fresh. It was quite a fallacy to suppose that the system proposed would be a benefit to the grazier. On the contrary, the butcher would say to him, "I am at so much more expense, that I cannot give you so much for your cattle." And he would also say to his customers, "I am at so much expense in carriage that I must charge you 1*d.* a pound more." The question, therefore, resolved itself into this: whether it was not much better that cattle should be driven to and from Smithfield before the people were up, or that they should be driven through the streets during the hours of business? He believed there was a great deal of cant and mock humanity on the part of those who desired the removal of the market; and, as he disliked change and innovation, he would give his most unqualified support to this measure.

Sir H. VERNEY said, that he had endeavoured to do his duty upon the Commission which was issued two years ago for the purpose of investigating this subject and reporting to the House; and he felt bound to express his gratitude to the city authorities for the courtesy with which they had afforded the Committee all the assistance and information in their power. He thought the question to be considered was, whether such an establishment as Smithfield market could exist in the centre of this great metropolis without rendering impure the atmosphere of the city, and polluting likewise the water of the Thames. The hon. Member for Lewes (Mr. Fitzroy) had very justly said, that Smithfield market was originally intended for a population of from 80,000 to 100,000 inhabitants, and he thought it could not be contended that it afforded sufficient accommodation as a cattle-market for a population of 2,000,000 persons. He considered that one point which had been urged before the Committee was of great importance; namely, that the cattle-market of this metropolis should be accessible by railway, so that the cattle might be brought to the market without any further injury than they were liable to from conveyance by trucks. Another important consideration of which they ought not to lose sight, was the provision of ample lairage. His opinion was, that they ought to have a lairage to the extent of from 21 to 100 acres, in immediate proximity to the market. Under the present system, the graziers were entirely at the mercy of the salesmen and the butchers, and were obliged to sell their cattle for whatever they would fetch, because if beasts were held over from one market to another, the deterioration in their value, from want of proper lairage, was from 10*s.* to 20*s.*, and the deterioration upon sheep averaged about 5*s.* He hoped the House would not sanction the establishment of an insufficient market, but that they would go into the whole question, and decide that a market of ample size and capacity should be provided.

Mr. W. WILLIAMS thought the inhabitants of the metropolis had much reason to congratulate themselves that a change in the existing state of Smithfield market was at length about to take place. He himself recollected more than thirty years' agitation of that question, and it was important, if they were to settle the matter finally, that they should do it so as to afford satisfaction to the public. He, however, would vote for referring both Bills to a Select Committee, from whom they would receive full and deliberate consideration. He certainly could not give his assent to the Government Bill in its present form, because it gave powers to the Commissioners which, in his opinion, ought not to be vested in any such body. The Bill proposed to empower the Commissioners to fix upon a site for a market at any distance from the metropolis; to establish one market or many markets, and to fix the amount of tolls. These were matters with regard to which he would not delegate powers either to Commissioners, to Secretaries of State, or to any other body. Suppose the Commissioners determined that the site of the market should be in the neighbourhood of Highgate or Hornsey, the butchers and consumers on the south side of the Thames would be more inconvenienced than they were at present. He would suggest that one market at least should be established on each side of the river, and that the markets should be held on different days.

Mr. KER SEYMER thought that as the Bill now under discussion, and another which stood on the paper, appeared to be competing measures, they ought to be referred to the same Committee. He considered that the circumstance that the corporation of the city of London were interested in this measure, ought not to be allowed to prejudice the question. It was true that the corporation were a very powerful and an unreformed body, and that they had exerted their influence upon this subject; but he considered that if the corporation brought forward the best scheme, they ought to have credit for it. His own opinion was that the corporation had brought forward the best scheme. No one could have been more strongly prejudiced than himself against the existence of Smithfield market; all his sympathies had been in favour of the removal of the market; but when he came to examine the question in detail, he found that it was not to be disposed of so summarily. As an example of the prejudice that existed, he might state that the first sentence of the leading article of the *Times* of that day was in these words:—"A discussion is expected this morning between the promoters of cattle-markets as they ought to be, and the defenders of Smithfield as it is." Now, he entirely denied that that was a true representation of the case. He knew he might be told that some of the Gentlemen who now proposed the enlargement of Smithfield market had on former occasions attempted to show that no change was required in the market whatever. Now, that might be a very fair *argmentum ad hominem* against them in particular; but it had no bearing on the question whether this plan was a good plan, and whether it ought to be considered in conjunction with the plan of the Government. If Gentlemen were so confident in the merits of the Government measure, why should they be afraid to have it discussed before a Select Committee of that House? The two great points to which public attention had been directed with regard to Smithfield market had been the sanitary question, and the driving of cattle through the streets. Now, he did not find in the Government Bill any provision to prevent cattle from being driven through the streets of the metropolis. The Government did not propose to abolish private slaughter-houses; and, unless they did that, cattle must be driven through the streets. With regard to the sanitary question, he did not see his way at all clearly. He was not one of those absurd people who endeavoured to prove that the presence of every sort of filth in a neighbourhood was likely to improve the health of the inhabitants; but he believed that the large open space in Smithfield market, in spite of the noxious trades carried on there, had rendered that district more healthy than it otherwise would have been. If the market were removed, he saw no provision in the Government Bill to prevent the open space from being covered with buildings. He had no personal interest in this question; but he hoped that neither a desire to support the Government, nor to oppose the power of the corporation, would induce the House to deal unfairly with the Bill now under consideration.

Sir J. DUKE wished to correct a statement which had been made by the hon. Member for Lewes (Mr. Fitzroy), namely, that nearly the whole of the inhabitants of Fleet-street had signed the petition in favour of the removal of Smithfield market. Now, it had so happened that he sat on Monday in St. Dunstan's church for two hours, being unfortunately engaged in hearing the cases of defaulters in their rates; the whole of the parochial authorities were present, and every one of them expressed a hope that the Corporation Bill would succeed, and he thought they were very fair exponents of the feeling of the entire parish on this question. The hon. Member for Lincolnshire had argued this question entirely with reference to the present market, and kept altogether out of view the the new plan of the corporation.

Mr. CHRISTOPHER said, he had stated that the area of the present market was six and a half acres, and by the new plan it would be increased to little more than eight acres.

Sir J. DUKE: The hon. Gentleman had stated that the graziers and butchers could not look at their cattle, and spoke of the nuisance of driving the cattle through the streets. That surely was arguing upon the present market; and much as the City had been blamed for this—he admitted—unpardonable nuisance in the streets, it should be stated that an existing Act of Parliament would not allow any part of the present Smithfield market to be closed until three o'clock in the afternoon. Now, the corporation of the City asked to be allowed to build a market that would be walled round, and from which not a single bullock would go out after eight o'clock in the morning. Was that anything like the present market? He wished the plan of the City authorities to have every investigation, and he hoped the Government would allow both Bills to go before a Select Committee: but he should object to the Government having the selection of the Committee, the fairest course, he thought, would be to have the Members of it chosen by the Committee of Selection. He was alderman of the ward in which the market was situated, and he knew that there were occupations there half a century old which would be destroyed by the Government measure if it was carried out, and many respectable gentlemen would be entirely ruined. The City had reason to complain of the Government proposal, because it shut up Smithfield, leaving Islington market open, and thereby giving Islington a preference. The hon. Member for Lincolnshire complained of the injury done to the cattle, and the loss which the grazier sustained. Now, the City did not object to the Government making a market; they might establish a dozen new ones. Only allow the City to have theirs, and the corporation would not be dissatisfied. The Government Bill gave the power of appointing five commissioners, a secretary, an inspector, clerks, and a large establishment, without defining in any way what their salaries were to be; and it also gave them power to decide upon the site of the market, without indicating in any way where it should be. That was a course which no Government ought to take, and he still more objected to their asking the House to sanction the borrowing of 200,000*l.* for the purposes of what was in the nature of a private enterprise. The hon. Member for Lincolnshire said, the City plan would cost about 1,000,000*l.* or 800,000*l.* If he had looked to the Bill he would have seen that the whole of the improvements, including the wash-houses, the model lodging-houses, and the dead-meat market, that would be an ornament to any city, would only cost something like 450,000*l.*; and the corporation was willing to give up the whole revenue of 5,000*l.* a year until the whole amount was paid. The reports of the various Committees of the House which had sat on this question had all declared that, in selecting a site, attention should be paid to access to the bridges. Why, the proposed plan of the City would give an access to the market nearly as wide as Portland-place; and although the hon. Gentleman (Mr. Christopher) had said very truly that few of the cattle came from the south side of London, he had not told them that one-third of the whole number of cattle sold in Smithfield market went across Blackfriars-bridge. Now, if the market was removed five miles from London, he thought the nuisance of passing through the streets would be greatly increased; and if the Government adopted the system of abattoirs, he warned the public that it would cause a considerable increase in the price of meat, and that it would be impossible to bring the meat into London, sometimes in the summer, in a fit state for consumption. He hoped, therefore, that the House would kindly allow this Bill to be read a second time, in order to be referred to a Committee, to be appointed by the Committee of Selection, along with the Bill of the Government; and if the City authorities hereafter should not be able to satisfy the Government and the House that their plan would remedy all the evils complained of, afford ample space, and prevent the present cruelty to animals, he, for one, should not be found in that House to give it his support.

Mr. CORNEWALL LEWIS begged to be allowed to state very briefly the grounds upon which he would support the Amendment of the hon. Member for Lincolnshire, and he must call to the recollection of the House the proceedings which had taken place on this subject. In 1849 a Committee was appointed, of which the hon. Member for Lymington (Mr. Mackinnon) was Chairman, to consider the question of the removal of Smithfield market. They examined a considerable number of witnesses, and they came to the conclusion that it was expedient that the cattle-market should be removed from Smithfield. The Committee did not suggest any site, nor did they offer any opinion as to the manner in which their decision should be carried into effect, but they recommended the subject to the consideration of the Government. Shortly afterwards a Commission was appointed on the subject, and the Commissioners took into their consideration the Resolutions of the Committee of that House. It was admitted by the corporation and the city authorities before the Commission, that Smithfield market is at present inadequate to the wants of the metropolis. The city authorities laid before that Commission a plan very elaborately prepared, by which they proposed to abandon the whole site of the present Smithfield market, with the exception of one acre—the present market comprising rather more than six acres—and to add to the remaining acre some ten or eleven acres more, so that a new market would be constituted, comprising twelve and three quarters acres. This plan would, of course, render necessary the clearance of more than eleven acres of ground in the very heart of the city, now covered with buildings—a measure which would involve a very large expenditure of money; the estimate for the new market being, upon the statement of the city authorities, nearly 500,000*l*. The proposal of the corporation of London was, in fact, to create a new market in the centre of the city, double the size of the existing market. He was ready to admit that, if the choice lay only between the existing Smithfield market and the new market proposed by the corporation, the corporation plan would be a vast improvement upon the present market; but the question the House had to decide was, whether it was expedient that the great cattle-market of the metropolis should be perpetuated within the heart of the city of London, or whether it was expedient that that market should be removed to a convenient place in the suburbs. After the report of the Commission had been presented, recommending the removal of the metropolitan cattle-market to the suburbs, and adverse to the plan proposed by the corporation, the Secretary of State for the Home Department caused a letter to be written to the corporation inquiring whether, if the Government were to propose the establishment of a cattle-market in the suburbs, they would be prepared to undertake the construction of that market, they receiving the tolls, and standing in every respect with regard to that market, in the same position which they now occupied in respect of the Smithfield market. That proposition, which was made in a formal, distinct, and official manner, by a letter written from the Home Office to the City Remembrancer, was laid before the Court of Common Council, and was debated, he believed, for some days; the decision of the Common Council was, that they would not accept the offer made by the Home Secretary. The Government, therefore, not having been able to induce the corporation to stand forward as the representatives of the metropolis, and to undertake the construction and management of a market, considered it to be their duty to select what they considered the most convenient and fit site for a new market. They considered that the best means of arriving at a conclusion on the subject was by the appointment of Commissioners, by whom the site should be selected. The question for the House to consider was, in his opinion, this—whether they would now consent that, in the very heart of the city of London, close to the cathedral of St. Paul's, to the Post Office, to the Bank, and to the thoroughfares most frequented for public business, a space of some twelve acres should be cleared, with the view of perpetuating, certainly for their own lives, and very probably for the lives of their sons and of their grandsons, so great an inconvenience—for he did not wish to use the word "nuisance"—as a large market to which live cattle were to be brought for sale. That was the question which he now called upon the House to decide, and he thought it ought to be determined, not by a Select Committee, appointed by the Committee of Selection, but by the House itself. The Government, as a Government, had no interest whatever in this matter. They did not bring forward their proposal as a political question, or to serve any party interests, but from regard to the general interests of the community. They believed it was for the general interest of the consumers and dealers that there should now be established a new and larger cattle-market for the metropolis. Those were the grounds on which the Government proposed their Bill; and on those grounds he should support the Amendment. If the City Bill were carried into effect, the Government Bill must necessarily fall to the ground; if, on the other hand, the Government Bill met with the approbation of a majority of the House, the City Bill must necessarily be abandoned. The Bills were inconsistent with each other; and it was the opinion of the Government that the subject was of sufficient importance to receive the decision of that House rather than that of a Select Committee. With respect to tolls, the City proposed a great increase to what was levied in the market. That was a point to which he begged the attention of those who said the plan of the Government would raise the price of meat. If there were any plan likely to do so, it was that which made so great an increase in the tolls. The Government plan left the question at large with respect to a site, not proceeding on the assumption of any one site being preferable to any other. They had not come to any decision on the subject. They desired that an independent Commission should be appointed under the Bill, and that the choice of a site should be left to that Commission. They had not on any occasion expressed an opinion that any of the various sites proposed were preferable to any other. He wished it, therefore, to be perfectly understood that the Government had come to no conclusion whatever with respect to a site. The hon. Member for Dorsetshire (Mr. Ker Seymer) said, the Government Bill did not deal with the question of private slaughter-houses. The Commissioners of Police were authorised to regulate the route and times for driving of cattle within the metropolitan police district; and there was also a clause providing that, in future, slaughter-houses, like public-houses, would require to be licensed. All the information had been obtained which it seemed possible to obtain on the subject. He wished, therefore, to call upon the House, with all due regard to the evidence taken by the Committee and the Commission, which had already been laid before them, now to decide whether they would deliberately sanction a plan which should have the effect of perpetuating for another century the evil of a great cattle-market in the heart of the city.

Mr. Alderman SIDNEY was free to admit that Smithfield market, as it now existed, was a great nuisance. As it existed, no one would stand up in that House and ask for its perpetuation. He further admitted, that it was much too small for the requirements of the public; that, from the smallness of the area, cattle had been subjected to cruel treatment; that the driving of cattle through the streets at present was a nuisance, which if the City were not prepared to remove, would justify the rejection of the Bill. Every evil that called for remedy, whether cruelty to animals or inconvenience to the public in thoroughfares, would be entirely obviated by this Bill. The hon. Secretary for the Treasury (Mr. C. Lewis) stated that the corporation of the city of London had refused the management of the new market proposed by Government. Why had they refused? Because they felt that they were trustees over Smithfield for the citizens of London and the metropolis generally. He had heard no charge against them in that capacity; but as a corporation they refused to be identified with a measure which would remove a market of so ancient standing from their jurisdiction a distance of miles to the suburbs. It was surprising that a Government in the present day should undertake to become managers of a public market. Such an erroneous proceeding was fraught with great injustice to individuals, to the public at large, and he would say to the nation. The hon. Gentleman had stated that this question was not a Government measure. Did he, on behalf of the Government, mean to intimate that all the usual retainers of the Government, those whom it usually influenced as a Government, were at liberty to vote on this question as they pleased? If such were the case, the Government were to be commended for their liberality. But it would, he believed, be found that the influence of the Government was exerted on this question; and those with whom he acted found themselves in this anomalous position, that they found a strong body of representatives from other parts of the country arrayed against them, when, as a single city, they approached the Legislature to defend the privileges they had enjoyed for ages unmolested. Did the Bill before the House remove the objections to Smithfield market? A space was proposed to be taken for twice the largest number of cattle brought to the present market. No cattle would emerge from Smithfield after ten o'clock in the morning; from that hour to seven o'clock in the evening the crowded thoroughfares of this great metropolis would be exempt from cattle. If the public had that assurance, was not one main objection to Smithfield obviated? If additional space was taken, which allowed double the number of cattle to be accommodated in Smithfield compared with the number now accommodated, the charge of cruelty to animals disappeared, and the argument against the market founded on the plea of humanity would be at once obviated. It was said, "You cannot discuss the Bill that is to follow." But, how could they avoid drawing a contrast? The Government Bill proposed to place this market for live cattle in the extreme suburbs. But was the inconvenience greater in driving cattle from a central market in the midst of 2,000,000 inhabitants, than in removing the cattle to the extreme northern suburbs? One-third of the whole number passed over Blackfriars-bridge; if the Government took their market six miles from the present site in Smithfield, the whole of that one-third must be driven six miles in crowded thoroughfares, and the streets be subject to greater annoyances than at present. [Mr. MACKINNON intimated dissent.] He could assure the hon. Member for Lymington that such would be the fact. He challenged the Government to state on what grounds they were now, as a Government, prepared to invade the prescriptive rights, public and private, of the citizens of London. He called upon the Government to show any instance in which the citizens of London had abused the power or privileges confided to them from the earliest ages. Were a Government likely to manage matters of detail so efficiently as the people in the City? It had been mentioned, much to the honour of the City, by the hon. Member for Northamptonshire, that, though he had sent cattle upwards of forty years to the London market, he had never lost any, nor had a single accident occurred. Would the Government insure that for forty years they with their new market would be equally blameless? Though, as Members of the House, Gentlemen connected with the Government might be well versed in diplomatic relations, might be able to deal on a large scale with the interests of this kingdom, they would injure their usefulness if they attempted to deal with such matters as concerned the citizens of London only. As well might they attempt to create a human being by Act of Parliament as a market. Within the last few years Fleetmarket had been removed, and Farringdon market built instead, at an expense of 200,000*l.* Farringdon market had yielded no dividend, and, though many years had elapsed, did not pay its working expenses. Hungerford market, which was established to relieve the overcrowded state of Billingsgate, was built by a joint-stock proprietary; but no person had received 6*d.* of dividend; and it had now been let to a French company, if he was rightly informed, to be applied to use in the crowded state of the metropolis during the Exhibition of National Industry. Some fifteen or seventeen years ago it was attempted to establish Islington market. The House, in contravention of the charter of the city of London, allowed that market to be established. What was the fate of that unfortunate speculation? Islington market was kept open some six or seven months, and had since been closed. If breeders and graziers suffered a depreciation in the value of their stock from sending cattle to Smithfield, Islington would have risen in estimation. Why did the Government ask Parliament to close Smithfield, and keep open all other meat and live markets in the metropolis? It was gross injustice, when there was no other charge than that the market was in a crowded state, to ask the abolition of a market which yielded 5,000*l.* a year, and maintained within its area 10,000 persons. The traffic involved an amount of 9,500,000*l.* per annum. When such interests were at stake, was it right that the united influence of the Government should be brought to bear against them? If they had to submit, it would be with a very bad grace; and he told the noble Lord at the head of the Government that he was striving to please two masters. The noble Lord must make his election which he would serve. If he served others at the expense of his constituents, he did not need to be surprised if his constituents should, on a fitting opportunity, visit him with an expression of their displeasure. ["Oh!"] Could the noble Lord say he had the voice of his constitutents with him? A petition had been presented to-day from 78,000 persons in the city of London in favour of the present site. It was true another petition had been presented for the removal of the market signed by 30,000; but it was got up by paid persons going over the whole metropolis, and by the influence of a philanthropic gentleman who, acting on mistaken feelings of humanity, prosecuted the object he had in view with an inexhaustible purse. No one denied the credit due to Mr. Samuel Gurney, the well-known capitalist; but that gentleman was not concerned in the trade of Smithfield market. The trade in Smithfield was not a bill-discounting, but a ready-money business; and Mr. Gurney could have no particular favour for it. In reply to the allegations in the petition of the 30,000, he should say that a central market could be constructed not only so as to obviate nuisances, but to afford much greater accommodation; that the necessity of preventing, as far as possible, any accession to traffic in the streets in the day was admitted. The petitioners said, " The great and unnecessary suffering to which cattle were subjected was prejudicial to the interests of the consumer and grazier;" but he was prepared to show that no suffering would result from the sale of cattle in Smithfield market. He took it as an axiom that it was not the interest of those to whom cattle belonged, that those cattle should sustain injury. He now approached the statement which had gained great attention from the public —that the holding of a public market in the heart of the city was prejudicial to the public health. There was the best possible answer to this assertion. It would be shown most undoubtedly that in its present state Smithfield was the healthiest of any portion of the metropolis. During the last visitation of cholera, as well as in that of 1832, not a single case occurred in Smithfield. Immediately abutting on Smithfield there were many public establishments, a large workhouse with 600 inmates—the Charterhouse, two metropolitan prisons, containing 500 to 600 prisoners, St. Bartholomew's Hospital, with 400 daily patients, and Christ's Hospital, which contained 950 boys, among whom the average mortality during the last seven years had been only 4$\frac{7}{8}$ths, rather less than 5 for every 1,000. Much had been said of abattoirs. The Government did not seem to have taken into consideration the fact that no live market had ever brought slaughter-houses about it. Smithfield had never brought to it a single slaughter-house. Those around Smithfield were owing not to Smithfield being a market, but to Newgate being the central market for the sale of meat in the metropolis. If the House were prepared to deal with the question of shutting up Newgate market, it would be equally their duty to shut up Leadenhall, Clare, Newport, and other markets, which all tended to bring slaughter-houses around them. He wished the House fully to understand that the removal of Smithfield market would not of necessity be followed by the removal of one single slaughter-house from the centre of the metropolis. That was a distinct question; and if the House were prepared to deal with it, they must be prepared to contend with 1,500 butchers of this metropolis who had all vested rights in their property as much as any hon. Gentleman to his. He could prove from the best testimony that slaughter-houses in the metropolis were not prejudicial to health. Was it right that the Government of a great country should now, in the year 1851, be coming to Parliament with a proposal to abrogate the titles by which the citizens of London held their public and private property? He would tell them that the charges urged against the corporation were unfounded. Whatever difficulties might lie in the way the City by their Bill were prepared to solve. Why deal so unjustly with the City? Why not as well attempt to deal with the family of the noble Lord himself? Why did not the Government bring in a Bill to abolish Covent Garden? It was stated that the rotten cabbages of Covent Garden were prejudicial to health, whereas it could be proved that Smithfield was not so. If the House decided against the Bill proposed by the city of London, he could attribute such a result only to the circumstance that hon. Members not being able to make themselves acquainted with what was a purely commercial question, had been led to vote against the measure under some misconception of what were the real merits of the case.

Mr. HUME was sorry the hon. Alderman had taken up so much time in pointing out the advantages which attended Smithfield market. If he were to speak the whole afternoon he would not convince the House that there were not great abuses. The question was whether, inquiry having taken place on the subject, the city of London were able or willing to remove those abuses. The vested rights of the city of London were given for the public benefit. Two plans had been proposed; one by the Government, to appoint a company or incorporation; but that was altogether a vague proposition. He wished, therefore, to consider the proposition made by those who were now in possession of the market, and the present proceeding was a step towards ascertaining what were the merits of that measure. The age was changed, the tastes of the people of London were changing, and the question offered itself fairly for consideration, whether some new adaptation of the market might not be made. He thought it right the City should have an opportunity of showing in the Bill before the House what they could do. He would not be led away by the hon. Alderman into the discussion of collateral points, and should support the second reading with the view of referring the Bill to a Select Committee.

Mr. WAKLEY had paid the greatest attention to what had been stated by the advocates and opponents of this Bill. In his opinion the strongest and most conclusive arguments in favour of the Bill was a speech intended to be against the Bill, namely, that of the hon. Gentleman the Secretary for Treasury. It was absolutely conclusive in favour of the second reading; for what did he say? That the Government had no plan. What they proposed was to have one fixed by a roving Commission. Last year the Government were at the burying business. This spring they had tried to bury themselves; and now the firm were to appear as "Russell and Co., butchers." Distinctly and emphatically he should say the plan of the City was a good plan; and what had thay set against it? None at all. What a monstrous state of things! The hon. Secretary for the Treasury had been a Poor Law Commissioner; and the quantity of meat he thought sufficient for a man might be recollected. If a market were established out of London, there would be an increased price of meat. The hon. Baronet (Sir C. Knightley), who had stated the case for the Bill with such excellent temper and good sense, had put the proposal of the second reading on a proper footing. It was to hoped the Government would withdraw their opposition, and assent to the appointment of a Select Committee.

Sir G. GREY wished to say a few words on the suggestion which had been thrown out, that the two Bills, namely, the one proposed by the Government, and the one brought forward by the city of London, should be sent before a Select Committee. He begged to say that there was an important distinction between the case of these two Bills, and that of two Bills promoted by competing railway companies. In the latter instance the question related merely to the choice of one of two competing lines, betwixt two termini, and rested entirely on the result of an investigation into details; but the question now before the House was one that had been already fully considered—first, before a Committee of that House, and afterwards before a Commission appointed by the Crown. Both the Committee and the Commission had taken a large amount of evidence on the subject, and that evidence now enabled the House to come to a distinct decision upon the question. He thought, under these circumstances, that the House ought not to divest itself of the responsibility of deciding which of the two principles involved in the Bills before them should be adopted by sending the matter before a Committee upstairs. The hon. Gentleman who had last addressed the House had not said that the Bill put forward by the corporation was a good Bill; he had merely said that the plan which it embodied would be a considerable improvement on the present market. In that repect he differed from the hon. Member for South Northamptonshire (Sir C. Knightley), who had stated that an experience of forty years had proved to him that the existing market was as perfect as it would be possible to imagine. He must say that after the recommendations of their own Committee and of the Royal Commission, considering that the Commission had come to the conclusion that no improvement in the internal disposition and arrangements of the market would obviate the objections arising from its being placed in the heart of the city, and in the neighbourhood of the streets in which the traffic of the metropolis was mainly carried on—after such a recommendation the House was called upon, in his opinion, to decide at once upon the question raised by the two Bills before them, instead of turning it over upon a Select Committee, and thus avoiding the responsibility which it was their duty to undertake. He must call the attention of the House to the fact that this was not the first time a recommendation had been made in favour of removing the market from its present site. In 1809, as stated in the Commissioners' Report, the Lords of Her Majesty's Privy Council for Trade stated to a city deputation appointed to confer with them that an enlargement which they then proposed would not

> "afford the accommodation required, particularly in a place so much intersected with public streets and ways, and through which a very considerable portion of the commercial traffic of the metropolis necessarily passed."

And they recommended that the market should be removed. In that view the Committee of the House of Commons and the Royal Commission agreed, and the only question now seemed to him to be whether the time had not arrived for removing Smithfield market from the heart of the city to another place. He would not enter at present into the details of the measure before the House, as a more appropriate occasion for doing so would be found in Committee. He agreed with what had been said by his hon. Friend (Mr. C. Lewis), that Government had been forced to take upon themselves the task of promoting this measure. They thought it their duty, as a matter affecting the public interest, to take those steps which they deemed necessary to carry out a measure which was called for by the great majority of the inhabitants of the metropolis, and which they believed would be conducive to the public welfare.

Mr. STAFFORD said, he belived he had a peculiar right to offer an opinion to the House upon this question, inasmuch as he had on the preceding day gone through all that part of the city with which the measure advocated by the corporation proposed to deal. In that pestiferous neighbourhood he had seen dens which could only be regarded as centres of typhus, malaria, and cholera. Now the plan of the corporation would greatly improve that district, and remove those nuisances; and that was, in his opinion, a strong reason why the House should look upon it with approval. He asked the House to consider the proposition now before it, not merely in a sanitary and philanthropic point of view, but on the still more urgent principle of self-preservation; for while they left those haunts of disease, of typhus and cholera, untouched, which they did if they supported the Government Bill—[" Oh!" *and a laugh*]—he could not have had a more welcome interruption than that which had now taken place. How many Members, who were going to vote against the present Bill, and support that of the Government, were aware of the fact that, if they did not agree to the corporation scheme, not only would all the filthy trades be carried on where they were now—not only would those pesthouses be permitted to remain, but the corporation would have the power to build over even the small and insufficient lung which existed in the area occupied by Smithfield market? Let Gentlemen consider that before they went further. Was the House prepared to choke up the only little lung that remained in the centre of the metropolis, or to leave it open? He considered that it was their duty to have this Bill fully considered by a Select Committee, in order to make such arrangements with the corporation as would prevent for ever the carrying on of those trades in that locality, and at the same time keep it open to afford a breath of air to the inhabitants. He agreed in all that had been said as to the cruelty of crowding cattle in too limited a space; but he said it would be their duty in Committee to take care that such arrangements should be made with the corporation as would completely prevent the recurrence of that evil. He had presented a petition, signed by a considerable number of farmers, in favour of the continuance of the market on its present site, or in the immediate neighbourhood. The farmers of England had given for many years unmistakeable proof of their opinions upon the subject by their refusal to send their cattle to any other market. Was the House aware that the graziers might, if they pleased, turn Smithfield into a desert? It was said, however, that the farmers were easily led by their landlords, and by any other parties with whom they might come into connexion. But he protested against such an indignity to the farmers. He believed they were as capable as any other class in the community of forming an accurate judgment of their own real interests, and of acting upon that judgment. The right hon. Gentleman the Secretary for the Home Department had the intrepidity to propose that if the Government scheme were adopted, they should have another Commission to decide on the site of the new market; so that even if they were to assent to that proposal, the question would still continue in a great degree unsettled. The noble Lord at the head of the Government was, he believed, to dine that night at the Mansion House, and no one wished him more than he (Mr. Stafford) did a pleasant evening. But he certainly could not help thinking that after the usual compliments were paid to the noble Lord, it would sound rather ungraciously if the noble Lord, while acknowledging the magnificent hospitality of his entertainers, should tell the corporation of London that he was about to destroy their ancient market, and that he would take good care they should have nothing to do with the new one which was to replace it. They had no means, he should observe, of knowing what was to be the site of the new market; so that the proposal of Her Majesty's Government was not then fairly before them. He believed that considerable misconception prevailed in reference to that question. The other day he had seen three bulls driven by one boy; and that fact must no doubt have been considered by some persons as a proof of the evil consequences of having such a market as Smithfield in the centre of the metropolis. But on inquiry he had found that those three bulls belonged to his hon. Friend the Member for Somersetshire (Mr. W. Miles), and that they were being driven from the Great Western Railway station to the Brighton Railway station. Then again he should observe that however they might remove the market, cattle coming from districts to the south of London would still continue to be driven over the bridges and through the neighbouring crowded thoroughfares. There was one important petition bearing upon the subject, to which he wished to call the special attention of the House. It was the petition of parties representing from 600 to 800 families residing in the immediate neighbourhood of the market, who would be deprived of their only means of subsistence by its removal. He was no advocate for cruelty to the brute creation; but he would remind the House that this was not only a question of humanity to animals, but it was a question of the removal of a plague-spot from the centre of the metropolis, caused by the pestiferous trades carried on in the vicinity of the existing market, affecting the lives of thousands of their fellow-creatures.

Mr. W. MILES said, the beginning and the close of his hon. Friend's (Mr. Stafford's) speech had reference to the horrible dwellings which surrounded Smithfield. He agreed with his hon. Friend as to the sad state of the buildings in the neighbourhood of the market, and he (Mr. Miles) should wish to get rid of them, by removing the market to some more distant locality. But how was that to be done? He could not help thinking that his hon. Friend, in the speech he had addressed to the House, had sought to prop up the falling cause of Smithfield-market, which had already been condemned by the voice of public opinion, and had thrown overboard the farmers of Northamptonshire, in order to take up the case of the city of London—

Mr. STAFFORD denied that he had thrown over the case of the farmers of Northamptonshire. On the contrary, he distinctly stated that the petition he had presented from the farmers of that county, was strongly in favour of the maintenance of Smithfield market.

Mr. W. MILES begged pardon of his hon. Friend, and admitted that he had been mistaken upon that point. He should say a few words, however, on the general question, whether or not they ought to abolish Smithfield market. Of the two Bills before the House, one would abolish the market, and the other would only partially remove and improve it. It appeared to him that no one could read the evidence taken by the Committee of that House, and by the Commission appointed by the Crown, without coming to the conclusion, that, however the market might be enlarged, it would still continue as a plague-spot in the metropolis, and that they could never remedy the inconvenience of having a market of that description in the very centre of a crowded city. He had himself frequently experienced the inconvenience of passing through the neighbourhood of Smithfield on either of the weekly market-days. Now, let them look at the case as it affected the graziers of England. It was perfectly well understood that that trade was not carried on directly between the breeders of stock and the London purveyors of meat, but that it had fallen into the hands of the large salesmen. He had not a word to say against the character of those salesmen; but he thought that they ought to give the graziers the power of selling their cattle without the intervention of middlemen. He believed that, if they were to remove the market, the salesmen and the owners of other establishments in connection with it, would remove also. It might be true that 78,000 persons had signed the petition against the removal of the market; but those persons formed, after all, a small portion only of the inhabitants of a city which contained upwards of 2,000,000 of people. He asked them to remove that market, and by that means to do justice to the inhabitants of London, to the graziers of England, and at the same time to confer an important benefit on the community at large.

Mr. B. OSBORNE wished to say a few words on this question, as representing the metropolitan county. He should not imitate the example of the hon. Gentleman who had just sat down; he (Mr. B. Osborne) wished to discuss this question in the same calm temper displayed by the three bulls mentioned by the hon. Member for North Northamptonshire (Mr. Stafford), as having been driven through the streets of the metropolis the other morning by a boy. The hon. Gentleman (Mr. Miles) who had spoken in so infuriated a strain, was one of the Commissioners who had decided on this question. Now, what was the question the House was called on to decide? The hon. Alderman the Member for Stafford (Mr. Alderman Sidney), he thought, had been the means of involving this question in considerable obscurity. The object of his hon. Friend the Member for the city of London (Sir J. Duke) was merely to refer this Bill to a Committee upstairs, to weigh its comparative merits with those of the Bills with which it competed, which he (Mr. B. Osborne) thought was only a fair and reasonable proposition. The hon. Gentleman did not ask them to continue Smithfield market, but merely wished that a Select Committee should inquire into the merits of the project of the corporation, together with the merits of the Government proposal. The House was not, perhaps, aware of the character of the latter proposal. He would warn hon. Gentlemen that it was a Bill containing no schedules—that there were to be found in it no tolls or charges of any kind—in fact, it was a most crude measure. By passing such a measure, the House would probably contribute to raise the price of meat in the metropolis. The present was not a butcher's question, nor a grazier's question, nor a corporation question. It was a question as to how 2,500,000 persons should be fed in this metropolis. He would not enter into any defence of the sanitary character of Smithfield market. But he would remind them that this was a question involving the price of animal food to the inhabitants of London; and he called upon them, before they came to any vote upon the subject, to weigh well the consequences of that vote. He believed that the wisest course they could pursue would be to refer that Bill to a Select Committee, as proposed by the hon. Baronet the Member for the city of London.

Mr. J. S. WORTLEY said, that the question they had then to consider was, not as stated by the right hon. Baronet the Secretary for the Home Department, whether they should continue that market in the centre of the metropolis, or remove it to some place in the suburbs? That was not the question. There was no proposal before them for removing the market to a suburban position which had taken any definite shape. No hon. Gentleman who had addressed the House in opposition to the Motion, had attempted to shadow forth any particular scheme for removing the market to any particular locality. The real question at issue was this:—A corporation of great antiquity, in possession of a most important and valuable market, which in the progress of society had fallen into a condition that rendered it inadequate to meet the objects for which it had originally been established, had proposed a scheme for improving that market, which, in the opinion of the Crown Commissioners themselves, was a vast improvement on the existing market; and it was then for the House to decide whether or not that corporation was entitled to have its scheme referred to a Select Committee. He said nothing of the manner in which the Committee and the Commission which had already inquired into that subject had been formed; and he was compelled to admit that they had both reported in favour of the removal of the present market. The Committee had sat in 1849; the Commission had made its inquiry more than twelve months ago, and nine months had elapsed since the publication of their Report; and yet they had up to the present moment no embodied scheme for the removal of the market. If, therefore, the Government proposal were adopted, it would be impossible that it could be carried into effect this year. He believed that the corporation of the city of London were entitled to be heard upon that subject, and the more so as it appeared that the whole expense of the Government scheme was to be borne by the public, while the corporation would devote a large annual sum for the payment of expenses in the execution of their project.

Mr. CORNEWALL LEWIS said, he wished to state that although no schedules were introduced into the Government Bill, it was their intention that the tolls in the new market should be of precisely the same amount as the tolls in the existing market.

Sir B. HALL said, the right hon. Gentleman (Mr. J. S. Wortley) seemed to think that the corporation of London were entitled to so much favour from the hands of the House as that this Bill should be allowed to go before a Select Committee; his (Sir B. Hall's) hon. Friend who sat near him (Mr. B. Osborne) said, this was not a corporation question at all; but if this was not a corporation question, what question was it then? It was not put forward by the inhabitants of the metropolis, but it was put forward by the corporation at the last moment, when they found that such was the indignation felt by the inhabitants and by the Sanitary Commissioners they could no longer maintain that nuisance, which had been characterised during that debate as the greatest nuisance that ever existed in a crowded city. The public had been invited to view a very beautiful model of the proposed enlargment of Smithfield market, exhibited in Cheapside, which was the greatest clap-trap that had ever been put forward by the ingenuity of man to deceive the public. If hon. Members would look at this Bill, they would see there was not a single clause in it for carrying out the great and essential improvements proposed in the plan exhibited in Cheapside. For instance, Smithfield was to be adorned with baths, and washhouses, and model lodging-houses, with a beautiful fountain constantly playing in the centre. But there was not one word in the Bill which would compel the corporate body to carry out those arrangements. Therefore it was that he, for one, was not disposed to give additional powers for the enlargement and improvement of their market to a body which was irresponsible to the community at large. He happened to know from the Bills that came before that House, from time to time, promoted by the corporation, that the House was continually asked to put fresh imposts on commodities coming into the city of London for the purpose of carrying out what were called City improvements; and if they passed this Bill, additional import duties would be called for on commodities entering the metropolis. Under these circumstances, and the corporation having only come forward with this proposal at the last moment, he did not think that the House ought to give them the powers which they asked.

Mr. MACKINNON said, he wished to observe that Her Majesty's Government had not voluntarily undertaken to introduce the present Bill. A Committee of that House and a Commission appointed by the Crown had agreed to report in favour of the removal of Smithfield market; and, under these circumstances, Her Majesty's Ministers could not have refused to bring forward a measure framed in conformity with those Reports. If it were otherwise, what use in the world would there be in Committees or in Commissions, if that House refused to act upon their Reports?

Mr. MASTERMAN said, that he was an advocate for the Smithfield Enlargement Bill. He believed that the measure proposed by Her Majesty's Government would be attended with great inconvenience to the public, and a great destruction of private property. He felt convinced, on the other hand, that the proposal made by the corporation of London would promote the public convenience, and at the same time provide a suitable market. He had been a Member of the Committee which had inquired into the subject; and although he had gone into that Committee with the impression that the market ought to be removed, he had come out of it with the conviction that nothing more was desirable than that the market should be enlarged in the manner proposed by the corporation.

Lord JOHN RUSSELL considered it to be his duty to follow his hon. Colleague, especially as he had been threatened with certain consequences in regard to the course he might adopt on this occasion. He did not know what the hon. Member for North Northamptonshire (Mr. Stafford) might consider to be his duty towards his constituents; but he (Lord J. Russell) certainly felt himself bound, as a Member of the House of Commons, to consult the general interests of the public, and if those interests should not coincide with the interests of the inhabitants of the city of London, then he must be compelled to prefer the interests of the community to the partial interests of the citizens of London. His hon. Friend the Member for Middlesex (Mr. B. Osborne) had stated, and justly too, that this was a question which affected the supply of meat to upwards of 2,000,000 persons in this metropolis. Of course, that was the main interest; but there were a great many other and subordinate interests involved, which made the question altogether one of very great importance. He (Lord J. Russell) must for himself say, that he had not taken up any hasty or precipitate view on the subject. When the Committee appointed to inquire as to the continuation of Smithfield market reported adversely to its continuance, he (Lord J. Russell), at the time, considered the question to be very doubtful, and said that he thought it to be one which deserved further inquiry. The right hon. Gentleman the Recorder of the city of London had implied (though he did not state) that something unfair had been practised in the constitution of the Commission which was afterwards appointed to investigate this matter. He (Lord J. Russell) could only say, that his wish, at the time, was to appoint as fair a Commission as possible. With a view to secure the interests of the butchers and graziers, he conferred with those interested on their behalf as to what Members should be appointed. The hon. Member for East Somersetshire (Mr. W. Miles) was one, and he (Lord J. Russell) believed that that hon. Member entered upon the inquiry with perfect impartiality, and came to a just conclusion upon the evidence adduced before him. The Commission consisted of seven Members, two of whom belonged to the corporation of the city of London. Five of those Commissioners came to the conclusion that Smithfield market ought to be removed; and that was the real question now before the House. The question was, whether Smithfield market should be removed from the central part of the metropolis to some other site. The Commissioners pointed out several eligible sites; but they did not pretend to say which was the best of those sites. The Bill before the House proposed that a Commission should be appointed to select a site which, upon the whole, should be deemed the best. By another Bill it was proposed to extend Smithfield market. One objection to that proposition was, that, owing to the increasing population of the metropolis, it would be almost impossible to find a site which could be sufficiently large to meet the requirements of the next twenty years. Another objection was, that the enlargement of the market could not be made without destroying some very valuable property; nor, also, without imposing a much higher toll than was at present imposed. The hon. Member for Finsbury (Mr. Wakley) had spoken on the subject, and he (Lord J. Russell had expected to hear from that hon. Gentleman some remarks as to the effect of the overcrowded state of the cattle in deteriorating and rendering unwholesome the meat that was vended to the public. He should have been glad to have heard the opinion of the hon. Gentleman on that subject; but the hon. Gentleman carefully avoided alluding to it. There was this to be said in favour of the Government proposition, that the tolls would not be increased in respect to the new market, but they must be largely increased if the corporation market should be established. A central market in the metropolis might be a fit provision in the time of Edward III., but it was quite incompatible with the present state of things. He, however, considered the present measure to be a part of a great public question, and that it was the duty of the House, having to provide for the wants of upwards of 2,000,000 of people—a population which, in no very long time, might increase to 3,000,000, and those congregated into a very small space—in every possible way to promote the general health, and to supply that population with meat in a wholesome state. Much as he might regret voting against the wishes of the corporation of the city of London, he was compelled, on this occasion, from a sense of duty, to do so.

Mr. MOWATT said, that his great objection to the Motion then before the House was, that, by adopting it, they might be supposed to acknowledge the possibility that anything could justify the continuance of a great cattle market in the centre of this metropolis. He felt persuaded that no justification could exist for such a course; and he, therefore, opposed the Motion for referring the Bill to a Select Committee. The question had been decided over and over again by public opinion, by a Committee of that House, and by a Royal Commission appointed to inquire into the subject. It was a remarkable fact, that every Gentleman who had spoken upon the question, had admitted that the present market was an intolerable nuisance. The hon. Alderman opposite (Alderman Sidney) had admitted that, and yet he had asked that the corporation might be allowed, not to remove the nuisance, but to enlarge it.

Sir H. HALFORD said, it had been assumed that the graziers and farmers were anxious to have Smithfield market removed. He had, however, had the honour of presenting a petition against its removal, signed by a numerous body of farmers and graziers in Leicestershire. Those parties wished that the market should be enlarged, but they deprecated its removal to a suburban district; because they considered that a central position was the most convenient for them, and afforded them the most ready access to their customers.

Mr. FITZROY explained that, since he last addressed the House, he had been to the Journal Office, and found that he was correct in the statement he had made to the House, that more than eighty persons residing in Fleet-street had signed the petition in favour of the Government Bill.

Sir J. DUKE said, he founded the remarks he had made to the House in an earlier period of the debate, as to the proportion of the inhabitants of Fleet-street who had signed the petition in favour of the Government Bill, not upon his own certain knowledge, but from what he had heard at a parochial meeting in his ward, where several persons expressed a hope that he would be successful in defeating the Government measure.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 124; Noes 246: Majority 122.

List of the Ayes.

Arkwright, G.
Baird, J.
Bankes, G.
Barnard, E. G.
Barrow, W. H.
Beresford, W.
Blackstone, W. S.
Blair, S.
Blake, M. J.
Blandford, Marq. of
Boldero, H. G.
Booker, T. W.
Bramston, T. W.
Brocklehurst, J.
Buller, Sir J. Y.
Bunbury, W. M.
Burghley, Lord
Burroughes, H. N.
Chaplin, W. J.
Chatterton, Col.
Cobbold, J. C.
Cocks, T. S.
Coles, H. B.
Copeland, Ald.
Cubitt, W.
Currie, H.
Davies, D. A. S.
Deedes, W.
D'Eyncourt, rt. hon. C. T.
Duncan, Visct.
Duncombe, T.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, G.
Dunne, Col.
Du Pre, C. G.
Edwards, H.
Evans, Sir De L.
Evans, J.
Evelyn, W. J.
Farnham, E. B.
Filmer, Sir E.
Forbes, W.
Forester, hon. G. C. W.
Fox, R. M.
Frewen, C. H.
Gallwey, Sir W. P.
Gibson, rt. hon. T. M.
Gilpin, Col.
Gooch, E. S.
Goold, W.
Halford, Sir H.
Halsey, T. P.
Hamilton, G. A.
Hastie, A.
Henley, J. W.
Hervey, Lord A.
Hildyard, T. B. T.
Hindley, C.
Hornby, J.
Hudson, G.
Hume, J.
Humphery, Ald.
Inglis, Sir R. H.
Jermyn, Earl
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
King, hon. P. J. L.
Knightley, Sir C.
Knox, Col.
Lacy, H. C.
Lennox, Lord A. G.
Lennox, Lord H. G.
Locke, J.
Lockhart, A. E.
Lockhart, W.
Lygon, hon. Gen.
Mackenzie, W. F.
Mackie, J.
Macnaghten, Sir E.
M'Gregor, J.
Magan, W. H.
Maher, N. V.
Maunsell, T. P.
Meux, Sir H.
Morris, D.
Mullings, J. R.
Newport, Visct.
Noel, hon. G. J.
O'Brien, Sir L.
O'Flaherty, A.
Osborne, R.
Packe, C. W.
Palmer, R.
Pechell, Sir G. B.
Reid, Col.
Renton, J. C.
Reynolds, J.
Rice, E. R.
Richards, R.
Rushout, Capt.
Scott, hon. F.
Seymer, H. K.
Sidney, Ald.
Smollett, A.
Stafford, A.
Stanley, E.
Stanley, hon. E. H.
Stephenson, R.
Thornhill, G.
Tyler, Sir G.
Vesey, hon. T.
Vyse, R. H. R.
Waddington, D.
Waddington, H. S.
Wakley, T.
Wall, C. B.
Walmsley, Sir J.
Williams, J.
Williams, W.
Willoughby, Sir H.
Wortley, rt. hon. J. S.
Wynn, H. W. W.

TELLERS.
Duke, Sir J.
Masterman, J.

List of the Noes.

Acland, Sir T. D.
Adair, H. E.
Adair, R. A. S.
Aglionby, H. A.
Anstey, T. C.
Armstrong, Sir A.
Arundel and Surrey, Earl of
Ashley, Lord
Bagge, W.
Bagshaw, J.
Baillie, H. J.
Baines, rt. hon. M. T.
Baldock, E. H.
Baring, rt. hon. Sir F. T.
Barrington, Visct.
Bass, M. T.
Bell, J.
Bellew, R. M.
Benbow, J.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Bowles, Adm.
Boyle, hon. Col.
Brisco, M.
Brockman, E. D.
Brotherton, J.
Brown, W.
Bruce, C. L. C.
Buck, L. W.
Bunbury, E. H.
Burrell, Sir C. M.
Cabbell, B. B.
Campbell, hon. W. F.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Caulfeild, J. M.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Charteris, hon. F.
Childers, J. W.
Clay, J.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Clive, H. B.
Cochrane, A. D. R. W. B.
Cockburn, Sir A. J. E.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Colvile, C. R.
Compton, H. C.
Corbally, M. E.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Dalrymple, Capt.
Damer, hon. Col.
Dawson, hon. T. V.
Denison, J. E.
Dick, Q.
Divett, E.
Douglass, Sir C. E.
Drummond, H.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duncan, G.
Duncuft, J.
Dundas, rt. hon. Sir D.
Ellice, rt. hon. E.
Ellice, E.
Ellis, J.
Elliott, hon. J. E.
Emlyn, Visct.
Evans, W.
Ewart, W.
Fellowes, E.
Ferguson, Col.
FitzPatrick, rt. hn. J. W.
Fitzwilliam, hon. G. W.
Floyer, J.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, W. J.
Freestun, Col.
Fuller, A. E.
Glyn, G. C.
Goddard, A. L.
Grattan, H.
Greene, J.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guest, Sir J.
Gwyn, H.
Hall, Sir B.
Hallyburton, Lord J. F.
Hanmer, Sir J.
Harcourt, G. G.
Hardcastle, J. A.
Harris, hon. Capt.
Harris, R.
Hatchell, rt. hon. J.
Hawes, B.
Hayter, rt. hon. W. G.
Heald, J.
Heathcoat, J.
Henry, A.
Herbert, rt. hon. S.
Heywood, J.
Heyworth, L.
Higgins, G. G. O.
Hildyard, R. C.
Hill, Lord E.

Hill, Lord M.
Hobhouse, T. B.
Hodgson, W. N.
Hollond, R.
Hope, H. T.
Hope, A.
Horsman, E.
Howard, hon. E. G. G.
Howard, P. H.
Hutchins, E. J.
Hutt, W.
Jocelyn, Visct.
Kershaw, J.
Knox, hon. W. S.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lawless, hon. C.
Legh, G. C.
Lennard, T. B.
Lewis, G. C.
Long, W.
Lopes, Sir R.
Mackinnon, W. A.
M'Neill, D.
M'Taggart, Sir J.
Mahon, Visct.
Mandeville, Visct.
Marshall, J. G.
Matheson, Sir J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Miles, W.
Monsell, W.
Moody, C. A.
Morison, Sir W.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Mundy, W.
Naas, Lord
Napier, J.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, J.
O'Connell, J.
O'Connell, M. J.
Ogle, S. C. H.
Ord, W.
Ossulston, Lord
Oswald, A.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Pakington, Sir J.
Parker, J.
Perfect, R.
Peto, S. M.
Pilkington, J.
Plumptre, J. P.
Ponsonby, hon. C. F.
Portal, M.
Power, Dr.
Price, Sir R.
Pugh, D.
Rawdon, Col.
Ricardo, O.
Rich, H.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Salwey, Col.
Sandars, G.
Sandars, J.
Seymour, H. D.
Seymour, Lord
Shafto, R. D.
Sibthorp, Col.
Simeon, J.
Smith, J. A.
Smith, J. B.
Smyth, J. G.
Somerset, Capt.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Stanford, J. F.
Stanley, hon. W. O.
Stanton, W. H.
Strickland, Sir G.
Stuart, Lord J.
Stuart, H.
Stuart, J.
Sutton, J. H. M.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, J.
Towneley, J.
Townshend, Capt.
Traill, G.
Trevor, hon. G. R.
Tufnell, rt. hon. H.
Verner, Sir W.
Verney, Sir H.
Vivian, J. H.
Walpole, S. H.
Walter, J.
Wawn, J. T.
Wegg-Prosser, F. R.
Welby, G. E.
Wigram, L. T.
Willcox, B. M.
Wilson, J.
Wilson, M.
Wodehouse, E.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyvill, M.
Yorke, hon. E. T.

TELLERS.

Christopher, R. A.
Fitzroy, H.

Words added; Main Question, as amended, put, and agreed to; Bill put off for six months.

SMITHFIELD MARKET REMOVAL BILL.

Order for Second Reading read.

Sir G. GREY moved the Second Reading of this Bill. He proposed that, in the event of its being read a second time, that it be referred to a Select Committee, composed of five Members, to be nominated by the Committee of Selection.

Motion made, and Question put, "That the Bill be now read a Second Time."

Mr. HUME asked, whether it was fair to refer this Bill to a Select Committee, when the House had just rejected the other Bill. He thought it would have been much fairer to have referred both Bills to a Committee upstairs.

Mr. C. LEWIS said, it had been deemed desirable, before deciding as to any particular site, that the House should determine upon the question, whether there should be a market in the heart of the City or in the suburbs. The selection of the site should be left to the Commissioners to be appointed under the Bill.

Mr. Alderman SIDNEY thought the suggestion of the hon. Member for Montrose a very fair one. The present Bill being now a Government measure, and a public one, he believed it would be necessary to suspend the Standing Orders to change the character of the Bill from a private to a public one. He wished to ask, whether or not the Bill, as far as it had progressed, had been carried on by the Parliamentary agents at the public expense?

Sir J. DUKE said, however much he might regret the decision to which the House had just come, it was his intention to pay every respect to such decision, and not to give the House any further trouble in respect to it. At the same time, he deplored that the Government had not allowed both Bills to go before the Committee, in order that their respective merits might be fairly determined.

Mr. Alderman SIDNEY hoped the right hon. Baronet the Home Secretary would favour him with a reply to his question.

Sir G. GREY said, that the Bill before the House was one of a mixed character; like a certain class of Bills well known to the House, it was partly public and partly private. They would follow, then, the usual course under such circumstances, namely, to refer the Bill to a Committee of Standing Orders.

Mr. Alderman SIDNEY said, the right hon. Baronet had misunderstood him. He had asked the right hon. Gentleman, whether, contrary to all precedent, they had been squandering the public money in drawing up this Bill?

SIR G. GREY said, that they had employed Mr. Coulson, who was paid by salary, in drawing up the Bill, not contrary to all precedent, but in conformity with every precedent.

MR. STAFFORD wished to ask a question of considerable importance. He would first observe, that he agreed in the course pursued by the hon. Baronet (Sir J. Duke) in respect to this Bill. He believed it was the unanimous opinion of all parties that the large area of Smithfield should still be kept open. The corporation had, however, the power, expressly reserved under the Islington Market Bill, of building over that site; and he thought they would exercise that power if the market were removed. The question he wished to ask was this—whether they intended to recommend that a portion of the national funds should be dedicated to the purchase of this property from the corporation, with a view of preserving that unenclosed space for the benefit of the public? If it were not the intention of the Government to take such a step, he should think it his duty to bring such a proposition forward, and to take the sense of the House upon it.

MR. T. DUNCOMBE wished to have it clearly ascertained whether this Bill henceforward was to be considered a private or a public Bill. Was this Bill to go to the Select Committee abovestairs as a private Bill, and to come back as a public Bill, to be considered by a Committee of the whole House? That was a very important question. He also wished to know who the Commissioners were to be that were to have the conduct of this market, for they might abuse the patronage which they would possess as much as the City had done. He wanted to know whether these Commissioners were to be butchers, graziers, or Members of Parliament? He supposed that they would be salaried Commissioners. They did not ask the Poor Law Commissioners to work without salaries; and surely the Commissioners under this Bill would have quite as much to do as any Poor Law Commissioner. He thought that there was a vicious principle in the Bill. The Government had gone out of their province by interfering with trade. They recommended certain sites for the new market; but suppose the owners of the property on which those sites were selected refused to give up their land, would they allow the Smithfield market nuisance to continue under such circumstances? He did not believe that the Government Bill would ever pass. He thought that the House should know something about these matters before they allowed this interference with trade.

SIR G. GREY could only repeat the answer he had already given to the hon. Alderman (Alderman Sidney). The Bill was of a mixed character—partly public and partly private. Of course, under the circumstances, the invariable practice was to refer it to a Select Committee; but that Committee was not always named by the Committee of Selection. Then, when it came back to a Committee of the whole House—and not until then—it would become a public Bill.

MR. STAFFORD must remind the right hon. Baronet that he had asked him a question respecting the purchase of the space of ground occupied by Smithfield market from the corporation?

LORD JOHN RUSSELL said, that the Government did not intend to propose such a purchase.

MR. SPEAKER said, if the House would permit him he would explain what the practice is as to Bills of this kind. All Bills which were partly public and partly private went through the same forms as private Bills, until after the Select Committee had reported on them, when they were recommitted to a Committee of the whole House, and afterwards treated as public Bills. The House would see at once the object of such a rule. Inasmuch as these Bills affected local interests, it was necessary that notice should be given to all parties concerned, in order that they might know what they had to expect, and, if necessary, be enabled to take steps for having their several claims heard before the Select Committee in defence of their own interests.

MR. HUME said, he understood that; but as there was no schedule of tolls attached to this Bill, there were no private interests to be considered.

MR. SPEAKER said, the schedule must be fixed by the Committee on the Bill. When they were fixed, the parties concerned might petition.

MR. T. DUNCOMBE wished to know whether the owners of Smithfield market could be heard against this Bill?

MR. SPEAKER: Their interests are most materially affected, and they will of course petition against the Bill: their petition will be referred to the Committee, and they will be heard against it.

Sir W. JOLLIFFE would feel obliged at being informed whether, under the circumstances in which the Bill stood, the Committee would have the power of deciding upon a site without reference to any notice which, in respect to other private Bills, it was necessary to give?

Mr. SPEAKER said, that nothing could be done beyond what was comprehended in the notice originally given. He could not answer the hon. Baronet's question more fully without knowing the extent to which the notice went. Whatever clauses might be proposed in Committee, they must be such as came within the terms of the notice given.

Sir W. JOLLIFFE said, he must now ask whether the proper notice had been given? The supply in the market must be for 2,500,000 persons. Were these notices given to meet all the requisites of a cattle market which was intended not only to supply the immense population in the metropolis, but also of innumerable towns within 100 miles of it? To the great towns of Portsmouth, Chatham, Brighton, Hastings, and the several watering-places on the coast, it was necessary that immense numbers of cattle should be driven over Blackfriars-bridge from Smithfield market. Therefore there was great accommodation required on the south side as well as on the north. He wished to know whether notices had been given of the sites required for such accommodation when the House was asked to consent to the second reading of this Bill?

Sir G. GREY said, that notices were required in order to take land by compulsion; but no such notices were required to take land when it was to be done by voluntary agreement.

Mr. DEEDES said, that he was an advocate for having the whole subject considered together. Although he regretted exceedingly the course which had been taken, he did not feel himself at liberty to vote against the second reading of this Bill.

Mr. HENLEY wished to ask a question consequent upon what the right hon. Baronet (Sir G. Grey) had said. He had understood the right hon. Gentleman to say, that no notice was necessary when land was to be taken by private agreement. Were the Government in a position to say whether they knew of any site that might be taken by agreement; and, if so, to state what that site was?

Sir G. GREY said, until the House had decided whether Smithfield market was to be removed from its present site, the Government were not authorised to enter into any negotiation for the voluntary purchase of the site of a market. The hon. Member might recollect that in the Report several sites were mentioned as being eligible for the purpose.

Mr. BAILLIE said, if he understood the noble Lord at the head of the Government right, the noble Lord said it was not the intention of the Government to give compensation to the corporation for the great loss they would sustain by the removal of Smithfield market. It appeared to him that this market having existed for many years, the corporation ought not to be deprived of its advantages without receiving some compensation. It appeared to him reasonable, if the public were to reap such advantages by the change of this market, that the corporation should receive some compensation for the loss they would sustain by the change. The public had a great interest in preserving the open space where the market stood. He trusted that the Government would take the matter into their serious consideration.

Lord J. RUSSELL said, that the answer which he gave was in reference to a very different question. He understood the hon. Member for North Northamptonshire (Mr. Stafford) to say that a great injury would be done to the public if the open space was taken from them; and he asked whether the Government would not take care, by the purchase of that ground, to keep it open? He (Lord J. Russell) said that Government had no intention of purchasing it. As to whether the corporation ought to be compensated for the loss they would sustain by the removal of Smithfield market, that was a totally different question, and could be afterwards dealt with.

Captain HARRIS said, it was important to consider whether it would be necessary to have two markets. It appeared to him that by the establishment of only one market in the suburbs, they would be exposed to a great evil; for it would be necessary to have a great quantity of cattle passing through the metropolis. He did not see why they should not encourage competition by establishing two markets at least, and thereby escape the unpleasant consequences that were apprehended.

Mr. B. OSBORNE said, that the only question upon which the witnesses fully agreed was the necessity of having only one central market.

MR. CORNEWALL LEWIS said, that the statement made by the hon. Member for Middlesex was quite correct.

MR. F. SCOTT wished to know whether, in the event of land not being obtained by voluntary contract, it would not be necessary to introduce a fresh Bill to enable the Government to carry out their intentions?

SIR G. GREY said, that if it became necessary to take land by compulsion, it would undoubtedly be requisite to introduce another measure into Parliament.

MR. J. S. WORTLEY must enter his protest against the principle of this Bill. It was one of a most extraordinary character, and most unconstitutional in its enactments. It was neither more nor less than an Act of Parliament abrogating the charter granted by Edward III. to the corporation—a charter pronounced by the unanimous opinion of the Judges of the land, in 1835, to be such as precluded the establishment of any market within seven miles of the metropolis.

MR. HUDSON apprehended that the House had placed themselves in this position. They had bound themselves to pass a Bill for the removal of Smithfield market, and they were dependent upon the will of private individuals for obtaining a new site. The Bill was tantamount to a declaration that the corporation of London was unfit to manage its own affairs. As it was very probable that the evil they complained of could not be remedied until another Session, it appeared to him that it would be better to suspend all further proceedings for the present year. He thought that it was most unfortunate the resolution to which the House had come, as it was, he believed, the first instance of a corporation having been deprived of the management of its own market. The improvement proposed by the corporation in Smithfield market was very great, and would prove most effectual in giving that relief which the community required.

The House divided:—Ayes 230; Noes 65: Majority 165.

List of the AYES.

Acland, Sir T. D.
Adair, H. E.
Adair, R. A. S.
Aglionby, H. A.
Anstey, T. C.
Arbuthnott, hon. H.
Armstrong, Sir A.
Arundel and Surrey, Earl of
Ashley, Lord
Bagge, W.
Baillie, H. J.
Baines, rt. hon. M. T.
Baldock, E. H.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Barrington, Visct.
Bass, M. T.
Bell, J.
Bellew, R. M.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Blair, S.
Blandford, Marq. of
Booker, T. W.
Bowles, Adm.
Boyle, hon. Col.
Bramston, T. W.
Brisco, M.
Brockman, E. D.
Brotherton, J.
Bruce, C. L. C.
Bunbury, E. H.
Burrell, Sir C. M.
Burroughes, H. N.
Cabbell, B. B.
Campbell, hon. W. F.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Charteris, hon. F.
Christopher, R. A.
Clay, J.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Clive, H. B.
Cockburn, Sir A. J. E.
Cocks, T. S.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Colvile, C. R.
Corbally, M. E.
Cowan, C.
Cowper, hon. W. F.
Craig, Sir W. G.
Dalrymple, Capt.
Damer, hon. Col.
Davies, G. A. S.
Dawson, hon. T. V.
Denison, J. E.
Divett, E.
Douglass, Sir C. E.
Drummond, H.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duncan, G.
Duncuft, J.
Dundas, rt. hon. Sir D.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Ellice, rt. hon. E.
Ellice, E.
Ellis, J.
Elliot, hon. J. E.
Evans, W.
Ewart, W.
Fellowes, E.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Floyer, J.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fox, W. J.
Freestun, Col.
Fuller, A. E.
Gilpin, Col.
Glyn, G. C.
Goddard, A. L.
Gordon, Adm.
Greenall, G.
Greene, J.
Greene, T.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Guest, Sir J.
Hall, Sir B.
Hall, Col.
Hallyburton, Lord J. F.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, hon. Capt.
Harris, R.
Hawes, B.
Heald, J.
Heathcoat, J.
Henry, A.
Herbert, rt. hon. S.
Heywood, J.
Heyworth, L.
Higgins, G. G. O.
Hildyard, R. C.
Hill, Lord E.
Hill, Lord M.
Hindley, C.
Hobhouse, T. B.
Hodgson, W. N.
Hollond, R.
Hope, A.
Howard, hon. E. G. G.
Howard, P. H.
Hutchins, E. J.
Hutt, W.
Jermyn, Earl
Labouchere, rt. hon. H.
Lacy, H. C.
Langston, J. H.
Lascelles, hon. W. S.
Lawless, hon. C.
Legh, G. C.
Lennard, T. B.
Lennox, Lord A. G.
Lewis, G. C.
Lindsay, hon. Col.
Lockhart, A. E.
Long, W.
Lopes, Sir R.
Mackie, J.
Mackinnon, W. A.
M'Neill, D.
Mahon, Visct.
Mandeville, Visct.
Marshall, J. G.
Marshall, W.
Matheson, Sir J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Miles, W.
Moffatt, G.
Monsell, W.
Moody, C. A.
Morison, Sir W.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Mundy, W.
Mure, Col.
Napier, J.

Norreys, Lord
O'Connell, M. J.
Ossulston, Lord
Oswald, A.
Packe, C. W.
Pakington, Sir J.
Parker, J.
Perfect, R.
Peto, S. M.
Pilkington, J.
Plumptre, J. P.
Portal, M.
Power, Dr.
Price, Sir R.
Pugh, D.
Rawdon, Col.
Ricardo, O.
Rich, H.
Robartes, T. J. A.
Romilly, Col.
Romilly, Sir J.
Rushout, Capt.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Salwey, Col.
Sandars, G.
Seymer, H. K.
Seymour, H. D.
Seymour, Lord
Slaney, R. A.
Smith, J. A.
Smith, J. B.
Smyth, J. G.
Somerset, Capt.
Somerville, rt. hon. Sir W.
Sotheron, T. H. S.
Spearman, H. J.
Stanford, J. F.
Stanley, hon. E. H.
Stanley, hon. W. O.
Stanton, W. H.
Strickland, Sir G.
Stuart, Lord J.
Stuart, H.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, J.
Tufnell, rt. hon. H.
Tyler, Sir G.
Vane, Lord H.
Verner, Sir W.
Verney, Sir H.
Vivian, J. H.
Walpole, S. H.
Wawn, J. T.
Welby, G. E.
Wilcox, B. M.
Wilson, M.
Wodehouse, E.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyvill, M.
Young, Sir J.

TELLERS.

Hayter, W. G.
Grey, R. W.

List of the Noes.

Arkwright, G.
Baird, J.
Barrow, W. H.
Blake, M. J.
Boldero, H. G.
Brocklehurst, J.
Bunbury, W. M.
Burghley, Lord
Chaplin, W. J.
Chatterton, Col.
Christy, S.
Coles, H. B.
Copeland, Ald.
Cubitt, W.
Devereux, J. T.
Duke, Sir J.
Duncombe, T.
Duncombe, hon. A.
Duncombe, hon. O.
Dundas, G.
Du Pre, C. G.
Evans, Sir De L.
Evelyn, W. J.
Filmer, Sir E.
Forbes, W.
Gallwey, Sir W. P.
Gooch, E. S.
Halsey, T. P.
Hamilton, G. A.
Hastie, A.
Henley, J. W.
Hildyard, T. B. T.
Hornby, J.
Hudson, G.
Inglis, Sir R. H.
Keogh, W.
Knightley, Sir C.
Lennox, Lord H. G.
Lockhart, W.
Mackenzie, W. F.
Magan, W. H.
Maher, N. V.
Masterman, J.
Mitchell, T. A.
Moore, G. H.
Mullings, J. R.
Muntz, G. F.
O'Brien, Sir L.
O'Connell, J.
O'Flaherty, A.
Osborne, R.
Pechell, Sir G. B.
Renton, J. C.
Reynolds, J.
Richards, R.
Scott, hon. F.
Smollett, A.
Stafford, A.
Taylor, T. E.
Vesey, hon. T.
Wakley, T.
Walmsley, Sir J.
Williams, J.
Willoughby, Sir H.
Wortley, rt. hon. J. S.

TELLERS.

Sydney, Ald.
Hume, J.

Bill read 2°.

Mr. C. LEWIS moved, that the Bill be referred to a Select Committee to be nominated, and the nine Members to be chosen by the Committee of Selection.

Mr. HUME said, that after the course which the Government had taken, the best plan for them would be to abolish the corporation altogether. If any duty attached to that body more than another, it was to provide fit and proper markets for the city of London. They had now a Government incapable of conducting its own affairs, which, nevertheless, persisted in meddling with those of others. Where was this system of centralisation to end, or was there any corporation in England safe? He protested against the vote which the House had come to, because it was a declaration that the corporation of London were incapable of managing their own business, and because he was convinced that the best position for a a market was the centre of the city. In a Select Committee he felt confident it would be proved that the evils complained of did not arise from the cattle going to the market, but to their distribution after it amongst the buyers. He must stigmatise the Bill as one to appropriate the public money to the interests of the Government. How would the official situations made under the Bill be filled up? If they looked to Ceylon, they would see the manner in which appointments were only bestowed upon favourites of the Government. He also protested against the Bill, as a violation of all established principle. It was the first time that a House of Commons, headed by the First Minister of the Crown, had ever violated all the rights of a corporation, and attempted to deprive them of their charter, in the manner which this Bill proposed to do.

Lord JOHN RUSSELL: I do not know, Sir, how many Gentlemen may agree with the suggestion of the hon. Member for Montrose, when he says the corporation ought to be abolished.

Mr. HUME had not laid himself open to such an imputation. His words were, that rather than deprive the corporation of the privilege of managing their own affairs, it would have been much better to have taken away their entire charter.

Lord JOHN RUSSELL: There are two circumstances, Sir, which the hon. Gentleman has lost sight of. One is, since the original charter was bestowed upon the corporation, the metropolis has very much increased, and goes very much beyond the wardenship of the corporation; and that circumstance, I think, makes the whole difference. The question is, not whether it would be a proper and sufficient market with some alterations; the question is, whether it is a proper market, being the only market for this great metropolis. The other circumstance which the hon. Gentleman forgot is, that as soon as the Government came to a conclusion in accordance with the Report of the Commissioners, that it was desirable to remove Smithfield market, the corporation ought themselves to have undertaken that removal. It was only upon their refusal to do so that the Government introduced this Bill. The hon. Gentleman has seemed to think that we are seeking to obtain personal advantages from the adoption of this measure. I can assure the House the Bill has been adopted only on public grounds, and only on public grounds did we feel it our duty to interfere.

Sir H. WILLOUGHBY objected to the Bill because it was a transfer of the monetary rights of the corporation of London to the new corporation that would be established under the Bill. That appeared to him to be a robbery, and he could not understand what would prevent the application of the same principle to the property of private persons. If the Government succeeded in this measure, it was their bounden duty to propose a fixed system of compensation. The Bill actually prevented the corporation from holding a market at all, and that was the answer which he gave to the observation of the noble Lord as to the question at issue.

Mr. J. S. WORTLEY wished to be informed whether as the matters to be referred were partly private and partly public, the corporation would be entitled to be heard by counsel before the Committee?

Mr. SPEAKER: Most certainly, if they presented their petition within the proper time.

Sir R. H. INGLIS agreed in the strictures which had been passed upon the Bill, both as regarded principle and policy. He could not avoid complaining that this was an attempt to raise large sums of money from the public for the purpose of interfering with the property of a corporation which had enjoyed it for many hundred years. Under these circumstances he felt that whereas the City of London proposed to charge its own revenues for the purpose of enlarging the area of Smithfield market, the present Bill, which saddled upon the whole nation a considerable expense, was altogether unnecessary and uncalled for.

Mr. CHRISTOPHER congratulated the House on the new-born zeal for the rights of corporations which had begun to animate the hon. Member for Montrose (Mr. Hume), for in the course of his Parliamentary career that hon. Member had assisted in abolishing the charters of nearly all the corporations in the United Kingdom. It was a pity, therefore, that the hon. Member had not begun earlier to stand up for the rights of corporations. He (Mr. Christopher) had voted for the Government Bill, not because he thought it perfect in all its details, for he did not think so, and should have several amendments to propose in Committee; but he had voted for it because it proposed the only thing like an adequate remedy for an acknowledged nuisance. Had the corporation of London undertaken to provide a new market in a suburban district, he should have been glad to give them his decided support; but as the plan they submitted would only perpetuate the evil, the two acres they proposed to add to the present space being quite inadequate as a remedy, he thought the Government deserved credit for having brought in a measure which would enable them to get rid of the nuisance, and he had great pleasure, therefore, in supporting their Bill.

Sir J. DUKE could not allow the statement just made by the hon. Member for North Lincolnshire to pass uncontradicted. Instead of two acres, the corporation of London proposed to add nine acres to the market; and, if the dead-meat market were removed, there would be three acres more, making in all twelve acres of additional space. He begged to say, too, that the corporation did not object to the Government establishing another market. If the Government thought the present market not large enough, the corporation had no right to complain of their establishing another; but what they complained of was, that their ancient market was proposed to be shut up altogether.

Mr. STAFFORD said, that as the hour was near at hand when the noble Lord at the head of the Government and the Lord Mayor would be interchanging compliments with each other, he had no wish to prolong the discussion, but he could not help telling the House what he thought would happen in consequence of the course that was being pursued. The corporation could do nothing to remedy the evil complained of, because the House had thrown out their Bill; and the Government Bill would most probably be thrown out in another place because it violated the rights of property. The consequence would be that the nuisance of overcrowding would continue for another year, when they would be just where they were at present—only a little wiser, he hoped.

Mr. Alderman SIDNEY asked whether the Government would consent to postpone sending the Bill to a Select Committee, and in the interim take into their consideration whether they would not allow it to be dealt with as a public Bill?

Sir G. GREY said, it did not depend upon the will of Government whether the Bill should be a public Bill or not. It was essentially of a mixed nature, and the Government had no right or power to dispense with the rules applicable to such cases. Besides, the hon. Member should bear in mind that if his suggestion were adopted, the corporation of London would be precluded from exercising the right of appearing against the Bill by counsel.

Bill *committed*, and referred to the Committee of Selection. Committee to consist of nine Members, to be nominated by the Committee of Selection.

And it being Six of the clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, April 10, 1851.

Minutes.] Public Bills.—1ª County Courts Equitable Jurisdiction; Patent Law Amendment (No. 2).

Reported.—County Courts Further Extension.

3ª Mutiny; Marine Mutiny; Mills and Factories (Ireland).

COUNTY COURTS EQUITABLE JURISDICTION BILL.

Lord BROUGHAM stated, that the Bill which he now laid on the table was the one he had pledged himself to bring in, when he refused to put clauses in the County Courts Extension Bill, giving the County Courts original jurisdiction in equity. He had then stated, that it would be fit to apply the principle of the new Orders respecting claims to the County Courts, with a power of appeal on matters of law and equity, and also a power of removal by application to the Judge in Chancery, as there is a removal by *certiorari* in the Common Law jurisdiction of these Courts, the application being then made to the Common Law Judges. The Bill which he now presented was formed upon these principles, and it contained a process of examining both parties to a suit orally, instead of by bill, and cross bill, and answers. The jurisdiction was confined to personal property. The limits to that jurisdiction could not be presented, from the nature of such processes; but the power of removal would prevent it from being extended inconveniently. If any one objected to this measure, he begged that the statement of the solicitors, some years ago, might be well considered. All the most eminent practitioners — Messrs. Gregory and Falconer, Sharpe, Tooke, &c. &c.—had then signed a petition, in which they distinctly stated, that they never could advise any client to go into the Court of Chancery for so small a sum as 1,000*l*. The denial of justice which this showed, was most frightful. It was well known, indeed, that if a cause of no complication, a matter only just beyond being set down as a short cause, were to-morrow begun, it would be two years and a half before it could be heard. So that the delay was as grievous as the expense. The Bill he now presented would both lessen incalculably the expense of such processes, and, by relieving the Court of Chancery from its present pressure, prevent delay also. He moved that it be read a First Time.

Bill read 1ª.

MARRIAGES (INDIA).

The Marquess of BREADALBANE presented a petition from the Commission of the Free Church of Scotland, praying, that marriages celebrated in India by Protestant Dissenting Ministers should be legalised, and for regulating the marriages of native converts there. At present, marriages celebrated by Dissenting Ministers were invalid, unless celebrated by a Roman Catholic priest, or clergyman of the Church of England. There ought to be a uniformity respecting the laws of marriage amongst Her Majesty's subjects here, in India, and in the Colonies.

Lord BROUGHTON said, the attention of Her Majesty's Government had for some time been directed to this very important subject; and it was his intention shortly to introduce a measure which he thought would be approved of by their Lordships, with a view to remove those evils of which the petitioners complained.

Petition read, and ordered to lie on the table.

AGRICULTURAL DISTRESS.

The **Earl of MALMESBURY** presented a large number of petitions, complaining of agricultural distress, and praying legislative relief. The noble Earl said, that, although he presented these petitions, as he was in duty bound to do, complaining, as they justly did, of agricultural distress, and the backwardness of Her Majesty's Government in relieving that distress, he felt it to be impossible for him to hold out any hope to the petitioners that they would be listened to for any useful purpose by Her Majesty's Ministers. All the attempts hitherto made to obtain some alleviation of the sufferings of the agricultural interest had been unsuccessful, being treated by them with indifference or neglect. This was exemplified in the course taken with respect to the Budget. In his original statement, the Chancellor of the Exchequer had proposed the remission of the duty on agricultural seeds, as well as the adoption by the State of half the expense of maintaining pauper lunatics. This was not much, certainly, when it came to be considered how slight the first was, and how unreasonable it was, as regarded the second, that the land alone should be burdened with the support of lunatic asylums for the poor; still it was a step, though a small one, in the right direction. But, in the second and amended Budget, the Chancellor of the Exchequer, on the ground that the agricultural interest had not received these boons in a sufficiently thankful manner—that they had not been "sufficiently appreciated"—now proposed to withdraw them altogether. He did not know what the Chancellor of the Exchequer meant, or what he expected; whether he expected the House of Commons would go down on their knees to thank him, or the agricultural interest would present him with a memorial for what he had done? Whether, however, it was from temper, or whether it was to pass a bad Parliamentary joke, he could not say; but the Chancellor of the Exchequer had, in point of fact, withdrawn the only parts of his financial plan which were in unison with the recommendation contained in Her Majesty's Speech at the opening of Parliament, and, by so withdrawing them, had shown the animus of the Government to which he belonged against the class in question—a class to which the country owed more than any other. Why Her Majesty's Government, however, should entertain such a feeling, or why take such a course, he could not fancy; but it was well at least for the agriculturists to know what they had to expect from those at present in power in this country.

Petition read, and ordered to lie on the table.

MERCHANT SEAMEN'S FUND.

The **Earl of ELLENBOROUGH** wished to know whether it was the intention of the Government to introduce a Bill relative to the Merchant Seamen's Fund during the present Session?

Earl GRANVILLE said, the Merchant Seamen's Fund was in an anomalous and mischievous state. An inquiry had been made into this subject, and no less than five Bills had been brought in by successive Governments to place the Fund upon a more efficient footing. But it was found impossible to carry these measures, in consequence of the remonstrances made by the shipping interest. Last year a Bill was brought into the other House for the regulation of this Fund; but its progress was delayed by the consideration necessary to be given to a more important Bill —the Mercantile Marine Bill. It was the intention of the Government to bring in a Merchant Seamen's Fund Bill at the beginning of this Session, and to have carried it through with all possible despatch; but the temper shown by the seamen with regard to the Mercantile Marine Bill, partly through a misapprehension of its provisions, and partly through the exertions of parties who were interested in the abuses it sought to remove, seemed to render it difficult to bring in a Bill on the Merchant Seamen's Fund, and to carry it out with any prospect of harmonious cooperation on the part of the seamen, seeing that they would be called upon for larger contributions, in order to make the pensions more adequate. The subject, however, had been reconsidered by the Government, and he hoped very soon to give some intimation to the House that an amended measure would be introduced during the present Session. He could not pledge himself, however, when the Bill would be brought in.

The **Earl of ELLENBOROUGH** thought there was no reason for supposing that a fair and equitable measure would be opposed by the shipping interest.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, April 10, 1851.

MINUTES.] NEW MEMBER SWORN.—For Coventry, Charles Geach, Esq.

PUBLIC BILLS.—1° Coalwhippers (Port of London).

2° Stamp Duties Assimilation.

PUBLIC BUSINESS—MR. DISRAELI'S MOTION.

MR. DISRAELI said, as there was some misconception respecting the Amendment of which he had given notice for to-morrow, in consequence of a change that took place in the position it originally occupied in the paper, and in consequence of some conversation that took place between himself and the right hon. Chancellor of the Exchequer on Monday night, he would take the liberty of removing that misconception, and to state the mode in which the Amendment would be put. He consented to the arrangement by which it was proposed to bring it on, merely with a view of consulting the convenience of the House to the conduct of public business; but, in consequence of what fell from the right hon. Gentleman the Chancellor of the Exchequer, several Gentlemen were under the impression that he (Mr. Disraeli) was about to propose an amendment to a proposition on the part of the Government for the repeal of the window tax. That was not the case; that was not his intention; he was not prepared to oppose the repeal of the window tax. The question before the House would be a Motion to go into Committee for the imposition of a house tax; and, under these circumstances, he considered it was the best way of asking the opinion of the House upon the omission from the financial statement of that important body of Her Majesty's subjects, the owners and occupiers of land, who are in a state of suffering and depression at the present moment. In consequence of the change of the notice from the place which it originally occupied, he had been obliged to make a slight alteration in its language. The right hon. Gentleman, he was sure, would agree with the statement he had made, that he consented to the Amendment being brought forward in the manner he did, merely to suit the convenience of public business, and that it would not be submitted as an amendment to the repeal of the window tax.

LORD JOHN RUSSELL said, the hon. Gentleman made a statement that the proposal of the Government was to go into Committee for the imposition of a house tax. He thought it would be more correct to say that they proposed to go into Committee to repeal the present mode of assessing the tax by the number of windows, and to substitute another mode.

MR. DISRAELI said, he only wished to put himself right with the House. The Amendment, which he had slightly altered, was to ask the opinion of the House on the omission of the owners and occupiers of land from the financial statement, and not with any intention to oppose the repeal of the window tax.

The CHANCELLOR OF THE EXCHEQUER said, he should propose to-morrow that the House should go into Committee to impose a house tax instead of the window tax, and the hon. Gentleman was to move an Amendment upon that resolution. Did he understand the hon. Gentleman now to say that he did not propose so to do; would he give him his Amendment?

MR. DISRAELI said, the Amendment which he intended originally to propose had appeared on the paper, and it was his intention to propose that resolution to the House before any of the measures in detail arising from the Budget should be submitted to the House. The Amendment he should move was—

> "That in any relief to be granted in the remission of taxation, due regard should be paid to the distressed condition of the owners and occupiers of land in the United Kingdom."

He had omitted the words, "in the first instance."

Subject dropped.

THE GERMANIC CONFEDERATION.

MR. T. C. ANSTEY begged to ask the Secretary of State for Foreign Affairs whether he had received any information respecting the measures now being taken at Dresden, by the Courts of Vienna and Berlin, to secure the admission into the German Confederation, of the non-German territories possessed by those Courts? Those non-German territories constituted themselves into three classes: first, such as Lombardy and Venice; secondly, such as Gallicia and other territories held by Austria and Prussia upon certain treaties and stipulations, not always kept; and, thirdly, territories like the republic of Cracow, held in violation of all treaties. He wished to ask the noble Viscount whether he had received any information touching the state of this negotiation, and whether her Majesty's Government, imitating the example of the Government of the French Republic, has in any manner notified to those Courts Her Majesty's intention to insist upon the maintenance of those stipulations of the Treaty of Vienna, by which such an encroachment upon the integrity of Germany and the liberties of Europe is guarded against; and whether the noble Viscount will lay on the table of the House the correspondence on these subjects?

VISCOUNT PALMERSTON said, undoubtedly information had been given to Her Majesty's Government, and negotiations had been for some time going on with respect to the intention on the part of Prussia and of Austria to propose the incorporation into the Germanic Confederation of territories not hitherto belonging to that Confederation, because of their not having formed part of the ancient German Empire. The House was aware that the Treaty of Vienna, by Article 53, stated that the Germanic Confederation was to consist of certain sovereigns and sovereign princes, and that confederated empire should include the possessions of the Emperor of Austria and the King of Prussia, which belonged to the ancient Empire. In accordance with that stipulation, the Duchy of Pozen, part of northern Prussia, Gallica, Hungary, and the Italian States of Austria, were not included in that Confederation. The following Article, 54, more distinctly specified what were to be the objects of the Confederation, by saying that the object of the Confederation was, the maintenance of the internal and external safety of Germany, and the inviolability of the States belonging to the Confederation. There were several other Articles following, ten or twelve, on the same subject; but all these stipulations formed integral parts of the treaty signed by the Powers of Europe. It was, therefore, the opinion of Her Majesty's Government, when they heard of this intention, that such intention could not be carried into effect consistently with the law of Europe, unless with the consent of all those Powers who had been parties to the Treaty of Vienna in 1815. And in accordance with that opinion Her Majesty's Government did not, as the hon. and learned Gentleman asked, follow the example of France, but they anticipated France, and as early as the 3rd of December they made a remonstrance on that subject, both here, and at Vienna, and Berlin. Since then the French Government had in a more formal manner protested against it, and Her Majesty's Government had renewed their remonstrances at Vienna and at Berlin, and had addressed a remonstrance to each and all of the States comprised in the Germanic Confederation. Nothing yet had been decided as to that matter; but, knowing as they did, in the first place, the great value which Austria and Prussia had always attached to the Treaty of Vienna; the respect which it was to be hoped ought, in principle, to be paid to contracted engagements; and seeing, moreover, the great importance which it was, especially to these two Powers, that the Treaty of Vienna, which was the title-deed by which so many of the States of Europe held their possessions, should be respected—he could not entertain a doubt that that treaty would be observed, and that these intentions, which seemed to have been hastily adopted, and without due consideration as to the interests that would be involved, would not be carried into effect.

MR. T. C. ANSTEY thanked the noble Viscount for his explanation, which was quite satisfactory; but he begged to remind him that he had omitted to answer his last question, namely, whether he should object to the publication of the correspondence?

VISCOUNT PALMERSTON begged the hon. and learned Member's pardon for the omission; but he thought the House would agree with him, that with regard to a transaction of this kind, and while the matter was still pending—in a case too, which might possibly, and he hoped would probably, end to the satisfaction of all the parties concerned—it would be highly inconvenient and dangerous to the public service to comply with the hon. and learned Member's request.

ADMISSION TO ST. PAUL'S.

MR. HUME begged to ask whether arrangements had been made for the free admission of the public to St. Paul's Cathedral. The House would recollect that the subject had frequently been brought before them, and he wished to know what progress had been made in the matter.

SIR G. GREY said, that an arrangement had been made by which the Dean and Chapter had consented to open the area of St. Paul's Cathedral free of charge. Of course he referred only to the lower part of the Cathedral, and not to the dome, the whispering gallery, and the like; but only to that part for seeing which a fee of 2*d.*

had heretofore been paid. In order to carry out the arrangement, it would be necessary to obtain an Order in Council, which would be done as early as possible; but the Dean and Chapter, in anticipation of that Order, would open the lower part of the Cathedral on and after May 1 without charge.

ST. ALBANS ELECTION.

Order read, for Consideration of Petition of Henry Edwards.

Mr. AGLIONBY wished to call the attention of the House to the petition of Henry Edwards, who had been taken into custody, under the Order of the House, by the Serjeant-at-Arms, for a breach of the Privileges of that House in preventing the attendance of George Seeley Waggett, or giving him money to induce him to abstain from giving evidence before the Select Committee appointed to inquire into the St. Albans Election Petition. Edwards alleged in his petition that the charge against him was totally false and untrue, that Waggett had never been under his control, and that no warrant of Mr. Speaker, or notice of any such warrant, requiring Waggett to appear, had ever been served upon him; and the petitioner prayed the House to refer to the evidence taken by the Committee, before which he alleged no such charge as that made against him had ever been substantiated. Edwards strongly declared his own innocence; and being now in custody without ever having been heard, he (Mr. Aglionby) felt he had hardly had justice done to him, and he was sure that if the House inadvertently had done the petitioner injustice, it would cheerfully grant him redress. But there were two points of law and of practice that arose in this case. The point of law was raised under the 73rd clause of the 11th and 12th of Victoria, c. 98, by virtue of which statute, and which statute alone, Election Committees derived all their authority to sit and act. The question was, whether the St. Albans Election Committee, at the time they reported to the House, and gave rise to the petitioner being taken into custody, retained all their powers intact, and were competent to report. If therefore the Committee had no power to sit on the 7th of April, when they reported, of course the whole of their proceedings fell to the ground. The 73rd clause of the Act required Election Committees to sit from day to day, excepting during the holidays, and never to adjourn for a longer time than twenty-four hours without leave being first obtained from the House on Motion, and special cause being assigned. Now, he understood the Committee found, some time antecedent to the 7th instant, that it would be necessary to adjourn for a period exceeding twenty-four hours, from the absence of certain witnesses. They applied to the House for leave to adjourn from Monday to Thursday, and had obtained such leave; but he understood the Committee, after obtaining leave, had never met again to go through the form of adjourning according to the leave that was granted, but merely acted upon the leave that was given, without meeting for the purpose of adjourning. He admitted this was a nice technicality, but it was a question whether it was not fatal to the proceedings of the Committee; and he would raise the point at once, by moving that the adjournment of the Select Committee not having been warranted, the Committee had no power to report, nor the House to act upon their report, and therefore Henry Edwards must be discharged from custody.

Motion made, and Question proposed—

> "That Henry Edwards be discharged out of the custody of the Serjeant-at-Arms attending this House, without payment of his fees."

Mr. GOULBURN thought the House ought to have more evidence of the adjournment of the Committee.

Mr. EDWARD ELLICE hoped the House would support the Committee, which was placed in a position of great difficulty. He would, with the permission of the House, explain the case. The first adjournment took place on the Saturday, and there being no House on that day, the Committee adjourned to Monday, the 31st of March. On that day a Report was made to the House, and leave was asked to adjourn the Committee to the following Thursday. The Committee had previously adjourned to Tuesday, with the proviso that, in case the House should grant the leave to be asked, the adjournment should be held to be to Thursday. The Committee did not, in point of fact, return to the Committee-room, although that did not appear on the Minutes. He (Mr. Ellice) had some doubt on this point; but he was told that it was not necessary for the Committee to meet again after having obtained the leave of the House. On Wednesday last the same thing occurred. During the sitting of the House the Committee applied for leave to adjourn to Monday next, and the Committee adjourned, *pro formâ*, for twenty-four hours, with the proviso that, on leave having been obtained from the House, the adjournment should stand for Monday next, and in point of fact, the Committee had not met that day (yesterday). The entry on the Minutes was somewhat different in the second case from that in the first. These were the facts; and it remained for the House to declare whether the Committee had acted correctly or not.

The ATTORNEY GENERAL said, the point of law raised by the hon. Member for Cockermouth was one of very considerable nicety indeed, and it had taken the House by surprise. It required mature deliberation. It had taken the Solicitor General and himself by surprise, and he thought the better course would be to have the Minutes of the Committee printed, and to discuss the matter on a subsequent day. No one would dispute that the Committee had not acted in strict compliance with the letter of the statute; but the question was, whether the words were to be taken as obligatory, or merely as directive. He would move as an Amendment to the hon. Gentleman's Motion, that the Minutes of the Committee relating to the matter be printed.

Mr. HUME thought, if the proceedings of the Committee were informal, the petitioner ought not to be kept any longer in prison.

Mr. GOULBURN considered it necessary that the Minutes of the Committee should be laid on the table; but it struck him that there might be some inconvenience in calling for the Minutes of a Committee still sitting.

Sir G. GREY said, when a Motion was made for the release of the petitioner, on the ground that the proceedings were not sanctioned by law, the House could not come to a proper decision without having the record of the Committee's proceedings before it.

Ordered—

"That there be laid before this House so much of the Minutes of the Proceedings of the Select Committee on the St. Albans Election Petition as relates to the adjournments on Monday the 31st day of March last, and Wednesday the 9th day of this instant April."

Motion, by leave, withdrawn.

Mr. AGLIONBY said, he should now go into the other points raised by Edwards's petition. He submitted that the commitment of Edwards was clearly informal and illegal, because the 83rd clause of the statute only authorised two cases in which an Election Committee could report during the progress of its proceedings, namely—first, when any person summoned by the Committee or by the warrant of Mr. Speaker disobeyed such summons; and, second, when a witness refused to give evidence, or gave false or prevaricating evidence; and in either of these cases the Committee might call upon the House to interpose its authority as the case required. But he submitted that the case of Henry Edwards did not fall within either of these categories. In his case there was no refusal to appear, no refusal to give evidence, and no prevarication; but the ground of committal was that Edwards had been a party in persuading somebody else to abscond for the purpose of evading the summons of the Committee. Edwards himself was summoned before the Committee; he appeared, and was ready to give evidence, and in his petition he stated that he was prepared to hold himself in readiness to appear before the Committee to give evidence whenever he might be called upon to do so. Therefore the Committee had not committed him under that section of the Act. He (Mr. Aglionby) contended, that supposing this section was merely directory, and that the Committee might go a great deal further, that still what had been done had been done at the wrong time. The 83rd clause of the Act empowered the Select Committee to report to the House their determination with respect to the validity of the return, and upon that question their decision was to be final; and by the 87th clause they were empowered, together with their decision upon the validity of the return, to report for the opinion of the House any other resolution to which they might have come. He contended, therefore, that the Committee had reported matters pending the investigation which should have been withheld until their final report. It was true that the Committee might have committed a person for contempt; but absence without summons was not contempt. He found that in 1819 the Select Committee in the case of the Camelford election reported that a man who had been called as a witness had given false evidence, and he was, therefore, committed to the custody of the Serjeant-at-Arms. In the Grantham case, Mr. Speaker issued his warrant to procure the attendance of certain witnesses, one of whom absconded to evade the warrant, and on his surrendering the House ordered him to be committed to

Newgate. In the Penryn case, a witness absconded to evade the summons of the Committee, and when he was taken into custody he also was committed to Newgate. In the last two cases, however, it appeared that the persons summoned had not appeared before the Committees; but in the present case the petitioner did appear. With respect to Edwards, he maintained that they should have postponed their judgment until they made their final report, and then the House might have taken the evidence into consideration, and have punished him as they thought fit. He thought it was utterly inconsistent with the principles of justice that any person accused of having committed an offence should be punished for that offence without being told, "Here is the evidence against you; is it true or not? Have you anything to say in reply?" In this case the evidence against Edwards was taken in his absence, and the House of Commons were called upon to act on the opinion of the Committee that there was a *primâ facie* case against him. He was scarcely prepared to blame the Committee for this, or to say that they could have pursued this collateral inquiry any further than they had done; but he was strongly of opinion that the House should have done so—they had no right to have committed a man upon *ex parte* evidence. He thought that as he had never been heard, he should be discharged. If the House thought he should be punished, he might be taken into custody again when the Committee gave their final report upon the validity of the return; or, if the House did not take either of these courses, he should be heard at the Bar in support of the allegations contained in his petition, and in answer to the evidence of the witnesses against him.

Motion made, and Question put—

"That Henry Edwards, on the seventh day of April instant, was declared to have been guilty of a breach of the Privileges of this House, and was ordered for his said offence to be taken into the custody of the Serjeant-at-Arms attending this House, and, in pursuance of such Order, now remains in the custody of the said Serjeant-at-Arms; and the said Henry Edwards having presented his humble Petition to the House, denying the truth of the Evidence taken before the Committee upon the Saint Albans Election Petition, upon which Evidence the Report of the said Committee, that the said Henry Edwards had conducted himself in the manner which this House declared to be a breach of its Privileges was founded, and praying that he might be set at liberty upon his undertaking to appear when and as this House should order, and to obey the directions of this House in all things, this House doth order, that Henry Edwards be discharged from the custody of the Serjeant-at-Arms attending this House, without payment of fees."

The ATTORNEY GENERAL said, that after the best consideration he could give to the proceedings of this St. Albans Election Committee, he thought they had been perfectly correct and proper. No one who had read the printed Minutes of evidence relating to the petitioner Edwards, could entertain a shadow of doubt that a strong *primâ facie* case—open, of course, to alteration on the part of Edwards—was made out against him, of having tampered with a person whom it was sought to bring before the Committee as a witness on the part of the petitioners. The Committee, having this evidence before them, were called upon, as a matter of duty, to report it to the House. They could not enter into the matter with the view of determining the question, because they had no jurisdiction to try that collateral issue, when it came before them incidentally as a matter of evidence upon the application made by the petitioners to adjourn the inquiry, because they were unable to procure the necessary witnesses. Under these circumstances, the Committee had felt it their duty—and he conceived they were perfectly right—to make a report to the House of the matter thus brought before them. The hon. Member for Cockermouth said, they were wrong in doing so, and that they ought to have waited till they made their final report, and have included in it this charge against Edwards. He could not agree with the hon. Gentleman in that view. The 86th and 87th clauses which had been quoted, stated, that where the Committee came to a determination on the merits of the petition as to the party who was entitled to sit there, their determination was to be final and binding; but in respect to other matters which were to be included in their report, but under separate heads, with these the House might either agree or disagree, or take such steps as they thought proper. But this did not relate to matters arising incidentally in the course of the proceedings, with respect to which it might be most important that a report should be made to the House immediately, either for the sake of protecting the Committee in their proceedings, or of ensuring the due administration of justice. The Sessional Orders declared, that to tamper with any witness, and prevent his being examined, was a high crime and misdemeanour, to be visited with the utmost severity. It was said the end might be obtained by punishing the delinquent after the proceedings were brought to a close. This would not only give facilities for his escape, but might entirely frustrate the administration of justice. Suppose the case of a person who from day to day continued to tamper with witnesses and withdraw them from the Committee; it was clear the interposition of the House would be necessary, and would at once put an end to such an attempt by placing the offender in a position where he could no longer do so. It was obvious that, in such a case, the Committee, whose powers were limited and insufficient, ought to have the opportunity of coming at once to the House and representing the case; otherwise, it was clear the administration of justice might be defeated in numerous instances. In this very case, this petitioner, Edwards, if the case alleged against him were true, might go on tampering with witness after witness; and was it enough to say, when the Committee had made their report, and had perhaps decided the wrong way, because the petitioners could not get up their witnesses, that then the party who had been tampering with the witnesses should be punished? That was not such a state of things as that House ought to sanction. The hon. Member for Cockermouth had said, that the House ought to have summoned Edwards to the bar, to have heard any statement he wished to make, and then to have committed him to custody, if they thought it right. It might be possibly desirable that that should be the course pursued by the House, but it was not the practice they had hitherto adopted. It was said the Committee had no power to report; but there was a direct precedent for it. There was a precedent in the case of the Ipswich Election Committee. [Mr. AGLIONBY: That was a final report.] He was aware of that. It was the case of a person named Pilgrim, who had been withdrawn from the Committee, and had absconded to avoid giving evidence; he afterwards presented himself, and stated that he had been induced to abscond by six persons, whom he named. To rebut that evidence, the counsel for the sitting Member produced three of the persons so charged, who denied the fact. The Committee, however, being of opinion that Pilgrim's evidence was true, and such as they ought to commit upon, reported that

The Attorney General

all the six parties whom Pilgrim implicated had been guilty of a breach of privilege. What did the House do? They did not adopt the course of summoning the parties to the bar, but they at once directed Mr. Speaker to issue his warrant to the Serjeant-at-Arms to take them into custody, and they were taken into custody. They petitioned the House, but were ultimately committed to Newgate. It was true this was done on a final report of the Committee; but it was inherent in the very nature of the functions of a Committee that in every case of urgent necessity they should not defer those proceedings till they made their final report, but should be at liberty to come to the House at any time for such powers and authority as they required. It seemed to him that the conduct of the St. Albans Committee had been perfectly correct, and that the conduct of the House was in conformity with the precedent of a precisely analogous case. As Edwards had not been heard at the bar of the House, if he should desire it, there could be no objection to that.

Motion put, and negatived.

COLONIES.

SIR W. MOLESWORTH:* Sir, I must apologise to the House for again bringing under its consideration a subject to which I have repeatedly called its attention in the course of the last two or three years—I mean, the amount of the expenditure of this country on account of the colonies. One of my chief reasons for asking the House to reconsider this question is, that there is a strong desire amongst various classes of the community, that certain obnoxious taxes should be repealed; in order to repeal them, there is a great wish that our national expenditure should, if possible, be diminished. Can any reduction be made in that expenditure without injury to the interests of the British empire? The greater portion of that expenditure is on account of the interest of the national debt, and in that no reduction can be made. The remainder of the national expenditure is on account of the government of the united kingdoms and of the colonies. I will not now express any opinion whether any considerable reduction can be made, and ought to be made, in the expenditure on account of the united kingdoms; but I must say, that I entertain a strong conviction that a considerable portion of our expenditure on account of the colonies is excessive, and that it can be diminished without injury to the interests either of the united kingdoms or of the colonies; and, therefore, I think that steps should be taken to relieve the people, as speedily as possible, from a portion of that burden.

In order to sustain these positions, I will first state, as correctly as I can, the amount of the annual expenditure of this country on account of the colonies. I am sorry that I cannot do so completely and correctly for any period later than the year 1846–47; because no later returns upon which I can rely have been presented to Parliament. Since that period some reductions have been made in our colonial expenditure, for which the Colonial Office deserves credit; but I believe they have been inconsiderable in amount compared to those which, in my opinion, could be made. In the year 1846–7, the expenditure of this country, on account of the colonies, amounted to 3,500,000*l.* It consisted chiefly of two items: namely, civil expenditure about 500,000*l.*; and military expenditure about 3,000,000*l.*

I will begin with the military expenditure, under which head I include ordnance and commissariat expenditure. This expenditure has increased very rapidly in the last twenty years. In 1832, it was only 1,800,000*l.*; in 1835, it became 2,000,000*l.*; in 1843–4, it amounted to 2,500,000*l.*; and in 1846-7, to 3,000,000*l.*; an increase of 1,200,000*l.* in the interval between 1832 and 1846–7. The sum of 3,000,000*l.* did not by any means represent the whole military expenditure of this country on account of the colonies for the year 1846–7; it was merely the effective expenditure; that is, the sum actually paid by this country for military services then being performed in the colonies; or, in other words, the sum required for the pay, clothing, maintenance, and establishments of the 45,700 regular troops, artillerymen, and engineers, then serving in the colonies. Besides the effective military expenditure, there is non-effective military expenditure on account of the colonies; that is, the sum annually paid for military services which have been performed in the colonies; I mean the sum paid in the shape of half-pay, pensions, and retiring allowances to the soldiers who have served in the colonies; or, in other words, that portion of the dead weight which has been produced by the military force which has been maintained on account of the colonies. Therefore, to estimate the whole military cost of the colonies to this country, I must add to 3,000,000*l.* of effective military expenditure a proportionate amount of the dead weight. Now, in the year 1846–7, our whole military expenditure, including ordnance and commissariat, amounted to 9,000,000*l.*; of this sum 6,600,000*l.* were effective expenditure, and 2,400,000*l.* non-effective; of the 6,600,000*l.* of effective expenditure, I have already said that 3,000,000*l.*, or 5-11ths, were on account of the colonies; I am, therefore, entitled to infer that 5-11ths of the dead weight, or about 1,000,000*l.* of it, were also on account of the colonies. So that the whole military cost of the colonies to the united kingdoms in the years 1846–7, must have amounted to 4,000,000*l.* To this sum I should be entitled to add a further sum on account of the extra troops which are required to be kept in this country for the purpose of relieving the troops in the colonies; and I will quote high authorities for so doing. The late Sir R. Peel, in making his financial statement for 1845, said—

> "The main expense on account of the Army is caused by the extent of our colonial possessions. To make no provision for the relief of the troops serving in them, would be inconsistent with humanity in the first place, and with prudence in the second. . . . You have thirty-five battalions at home, not, as it is supposed, for the purpose of restraining the population, but for the purpose of maintaining the system of relief for your regiments serving abroad. Your rule is five years at home, and ten years abroad for your regiments."—[3 *Hansard*, lxxvii. 464—466.]

The other night the Secretary at War, on proposing the Army Estimates, stated that one of his great arguments for keeping up an effective military force at home was to maintain the system of relief established by Sir R. Peel's Government. According to that system, for every two regiments serving in the colonies one regiment would be required to be maintained at home to afford relief. Last year the military force in the colonies, exclusive of colonial corps, which do not require to be relieved, amounted to about 30,000 men, and that force would consequently require 15,000 men in this country for their relief. I should likewise be entitled to charge to the colonial military account a considerable sum for native wars, rebellions, and other extraordinary events. If I put nothing down for these two items, I can scarcely be accused of over-estimating the military cost of the colonies to the united kingdoms when I reckon it at not less than 4,000,000*l.* a year; a sum amounting to about nine shillings in the pound sterling on our exports to the colonies in 1849; exceeding by 600,000*l.* the whole of the local revenues of the colonies for that year; and equal to the sum collected from the window tax and the excise duties on soap, paper, and hops.

Can any reduction be made in this expenditure? It is evident that no immediate reduction can be made in the 1,000,000*l.* of dead weight, for that depends upon the number of troops which have been maintained in the colonies. If, however, the military force there were permanently reduced, ultimately the dead weight would be reduced. It is only, then, in the 3,000,000*l.* of effective expenditure that any immediate reduction can be made. How is this sum expended? The greater portion of it is spent on the pay, clothing, and maintenance of the troops in the colonies. In the year 1846-7, the military force there consisted of 42,000 regular troops, 3,000 artillerymen, and about 700 engineers, in all 45,700. At present, I believe, the number is about 43,000, exclusive of the reinforcements which have been sent to the Cape of Good Hope. In 1846-7, the pay, clothing, and maintenance of the troops in the colonies cost this country about 2,100,000*l.* These troops were scattered over thirty-seven colonies; in each colony there is one or more stations; in each station there is a commissariat, ordnance, or barrack establishment, and, generally, all three; to these establishments are attached commissariat officers, barrack-masters, storekeepers, clerks of the works, and sundry workmen. The salaries of these persons cost this country, in 1846-7, 280,000*l.* In each station there is a storehouse; in each storehouse there is a quantity of stores; according to a return presented to the Committee on ordnance expenditure, the value of the stores in the colonial storehouses in 1846-7, amounted to 2,500,000*l.*—a quantity of stores sufficient for twenty years' consumption during peace, if they do not perish previously; yet in that year we spent in ordnance stores for the colonies 140,000*l.* In connexion with these stations there are generally either fortifications, or ordnance works, or other military buildings; these buildings have been erected at a great expense, and cost this country annually a large sum for improvements and repairs. We expended, in the interval between 1829 and 1847, 3,500,000*l.* on these buildings; and in 1846-7, we paid 330,000*l.* for improvements and repairs to these buildings. The last item I will mention is the transport of troops and stores, which in 1846-7 cost 110,000*l.* Adding these items together, their sum is about 3,000,000*l.* It is evident that the cost of all these things must, in a series of years, be in proportion to the number of troops we maintain in the colonies. For if we keep a large body of troops in the colonies, they must be well paid, fed, and clothed; there must be barracks for them to dwell in, stores for them to consume, fortifications for them to defend, ships to transport them to and from the colonies; and, finally, half-pay and pensions for them when unfit for service. I will not deny that some saving might be made in the details of this expenditure, but that saving cannot but be trifling compared to the whole sum expended, as long as we maintain the present amount of military force in the colonies. Therefore, if we wish to make a reduction in the military cost of the colonies, we must begin by making a reduction in the military force maintained there at our expense.

Can we reduce the military force in the colonies without injury to the interests of the British empire? Do we require that 45,000 troops should be maintained in the colonies at the expense of the united kingdom? and, if so, for what purposes, and how are they employed? In 1846-7, about 3,000 men were serving in the convict colonies of Bermuda and Van Diemen's Land; about 16,700 men kept garrison in the military stations, including Ceylon; and the remainder, amounting to about 26,000 men, were stationed in the colonies, properly so called.

I will say nothing on the general question of convict colonies, except that in such colonies troops must be kept to preserve order among the convicts. In Bermuda, in 1846–7, the military force amounted to 1,361 men, and cost about 74,000*l.*; in Van Diemen's Land, in the same year, the military force amounted to 1,500 men, and cost about 93,000*l.* With regard to Van Diemen's Land, I have given notice that on an early occasion I will move an address, praying Her Majesty to comply with the prayers of the inhabitants of that colony, by discontinuing transportation to it. If their universal prayer be listened to, and transportion discontinued, the troops might be ultimately withdrawn from Van Diemen's Land, with a saving in the effective military expenditure of this country to the amount of about 93,000*l.* a year.

I next proceed to the military stations. Omitting those which are situated within the boundaries of the colonies properly so called, our chief military stations are Gibraltar, Malta, the Ionian Islands, the stations on the west coast of Africa (including the newly-acquired Danish forts), St. Helena, the Mauritius, Hong-Kong, Labuan, and the Falkland Islands; and to these I will add, for the sake of brevity, Ceylon. The military force in these stations in 1846–7 amounted to about 16,700 men, and they cost about 710,000*l.* I will not now inquire whether we ought to maintain a garrison in every one of these places. On a former occasion I attempted to prove that it was not worth while to keep about 3,000 troops in the Ionian Islands at the cost of about 90,000*l.* a year; that we had thrown away about 400,000*l.* on fortifications at Corfu; and that the fortresses of Malta and Gibraltar, which we were then repairing and improving, at an estimated cost of about 460,000*l.*, were sufficient for all the wants of Great Britain in the Mediterranean. I also attempted to prove, with regard to the stations on the west coast of Africa, that, by abandoning our crusade against the slave trade, these stations might be dispensed with; and that, by so doing, and also withdrawing the African squadron, a saving might be made in the military and naval expenditure of this country to the amount of 450,000*l.* a year. I also remarked that Ceylon properly belonged to our East Indian system of States; that, in all probability, it would be better governed if it were transferred to the East India Company, and that a saving might thus be made of about 83,000*l.* a year.

Sir, I must observe, that the motives which have led this country to acquire military stations are very different from those which have induced us to promote the plantation of colonies; and that our policy with regard to military stations is quite of a different character from our policy with regard to colonies properly so called. The motives under the influence of which this country has acquired military stations may be stated in a very few words. Great Britain has long been, and in the opinion of its statesmen, its Parliaments, and its people, ought to continue to be, essentially a naval Power. It aspires to be the first naval Power on the earth, to carry on commerce in every portion of the globe, and to protect that commerce with its fleets. It desires that those fleets should patrol the ocean, and be the maritime police of mankind. In order to refit those fleets, to afford shelter to them, and to give protection to its merchant ships when war is raging, it has been the policy of the statesmen of England, with the consent and approbation of the people and Parliament, to take military possession of harbours in various parts of the world. Assuming this policy to be a sound one, I ask, what are the rules which should determine the number of our military stations, and the selection of their sites? I think the rules should be, that, subject to the condition of accomplishing the objects of the naval policy of Great Britain, our military stations should be as few in number as possible, and that each station should be selected so as to cost as little as possible. They should be as few in number as possible; for every military station must cost a considerable sum of money annually; therefore every superfluous military station is a permanent source of unnecessary expense. It is also a cause of weakness; for an empire is strong, *cæteris paribus*, in proportion as it has fewer points to defend; for the fewer points it has to defend, the more it can concentrate its forces, and therefore the more powerful it is either for offence or defence. In order that our military stations may be as few in number as possible, consistently with the attainment of the objects of the naval policy of Great Britain, it is evident that they should be carefully chosen, so as most readily to afford shelter and protection to our ships. Therefore they ought to be situated as near as possible to the great commercial highways of the ocean. Secondly, each military station should be selected with the view of costing as little as possible. Now, the cost of a station depends chiefly upon the number of troops required to defend it; and that number depends upon the military strength or weakness of the position of the station; therefore the best place, *cæteris paribus*, for a military station is one which can with difficulty be attacked, and can easily be defended by a small garrison. It is evident that these conditions are best fulfilled by small islands, or peninsular extremities of continents; the less connected with the adjoining land the better. I think, therefore, that the true policy of this country, with regard to military stations, is to occupy only a few commanding positions with good harbours. They should be small, isolated, salient points; easily defended, and close to the beaten paths of the ocean. I hold it to be quite contrary to the true policy of Great Britain to take military possession of large islands or vast portions of continents. I consider it to be utterly absurd for an essentially naval Power to attempt the military defence of extensive coasts or long lines of frontier. That attempt has been made in South Africa with disastrous and costly results. If similar attempts be made, and vast, numerous, and costly military stations be occupied by this country, I fear much that the result will be, that the extremities of the empire will gradually drain it of its wealth and vital powers, that the centre will thus become paralysed, and that finally the empire will fall abroad and perish of exhaustion. I think that amongst our military stations those which best fulfil the conditions of good military stations are Gibraltar, at the mouth of the Mediterranean; Malta, near its centre; Bermuda, in mid-Atlantic; Halifax, commanding the coast of North America; Barbadoes, amongst the Islands of the West Indies; the peninsular extremity of South Africa, on the route to India; the Mauritius, on the same road, and commanding the Persian Gulf; Singapore, at the entrance of the China Seas; and perhaps Hong-Kong, amidst those seas. I have named these eight stations, because I am inclined to believe that it is not necessary, for the attainment of the objects of the naval policy of Great Britain, that we should keep military possession of more than these eight stations. To garrison them as they were garrisoned in 1846-7, a military force of 17,000 men would be sufficient; and they would cost about 850,000*l.* a year in effective military expenditure. This is not much more than the sum which the colony of the Cape of Good Hope, with its Kaffir wars, annually costs us on the average of years. I think that this fact illustrates, in the most striking manner, the importance of the rule which I have laid down with regard to the selection of military stations. For if we consider, as some persons do, the whole colony of the Cape of Good Hope to be merely a military station, then the expense of this one ill-chosen station would be equal to the expense of our eight best-chosen stations; and the sum of money which we lavish upon the Cape of Good Hope would, in my opinion, be sufficient to defray the military expense of all the stations which our naval policy requires.

I will now proceed to the colonies properly so called. I mean the North American colonies, the West Indian plantations, the Australasian colonies, with the exception of Van Diemen's Land, and our South African empire. The military force in these colonies in 1846-7 amounted to about 26,000 men, and they cost about 2,000,000*l.* in effective military expenditure. If to this sum be added a proportionate amount of the dead weight, the whole military cost of these colonies to the United Kingdoms would amount to about 2,600,000*l.* a year. This sum is equal to 8*s.* 6*d.* in the pound on our exports to these colonies in 1849, and was as large as the whole amount of their local revenues in that year. I have heard some persons who take merely a commercial and economical view of these questions, ask, why do we retain dominion over these colonies? Would it not be better for us if they were independent? Our independent colonies of the United States, say these Gentlemen, cost us only about 10,000*l.* a year for consular and diplomatic services, and we sent them in 1849 12,000,000*l.* of exports, or twice the value of our exports to colonies which are costing us 2,600,000*l.* a year, or 260 times as much as the United States. Now, I answer, that the greater portion of this expenditure is unnecessary, or may ultimately be rendered unnecessary. I maintain, that if these colonies were governed as they ought to be governed, no troops ought to be maintained in them at the expense of the United Kingdoms, except for strictly imperial purposes, and that the expenses of all troops required for local purposes ought to be paid by the colonies. And, if these views be correct, it appears to me that the military force maintained in the colonies at the expense of this country might ultimately be reduced to the men required for the military stations.

With the permission of the House, I will explain, as shortly as I can, the reasons which have led me to the conclusions which I have just stated. I have said that the policy of this country, with regard to its true colonies, is of a very different character from its policy with regard to military stations; for the motives which have induced it to plant colonies are quite differnt from those which led it to occupy military stations. We all know that, ever since the new world was discovered, it has been the unceasing desire of England to plant that new world with new Englands. It was the ardent wish of this country that its children should occupy the uninhabited portions of the earth's surface, and carry along with them to their new homes the laws, the institutions, and feelings of Englishmen; that they should there become bold, energetic, and self-relying men, capable and willing to aid their parent in times of need, and not weak puling infants, ever crying to their mother for assistance, and emptying her purse. Now, it is as true of bodies of men as it is of individual men, that the best mode of developing in them energy, courage, and self-reliance, is not to coddle and fondle them, and to tie them to a mother's apron, but to throw them upon their own resources, and to let them rough it and battle it with the world. Therefore, it was the old polity of this country, with regard to plantations, and it still is the recognised constitutional doctrine with regard to them, that their inhabitants should take care of themselves, and manage their local affairs, and govern themselves by representative institutions. Now, most of our colonies, properly so called, do possess representative institutions, and all of them are about to possess those institutions. With such institutions no taxes can be levied in these colonies without the consent of the representatives of the people; and their inhabitants cannot be constitutionally compelled to contribute out of their taxes to the revenues of the united kingdoms. Therefore, reciprocally, the people of the united kingdoms ought not to be called upon to pay out of their own taxes any portion of the local expenses of such colonies; and, consequently, in such colonies all expenses for local purposes should be paid out of local revenues, while all expenses for imperial purposes should be paid out of imperial revenues.

I will now proceed to apply the principles which I have laid down, to answering the question, who ought to pay for the military force which is maintained in a colony? To do so, I must first endeavour to determine, among the various purposes for which a military force may be required in a colony, what are those which ought to be considered as imperial purposes, and what are those which ought to be considered as local purposes? In answer, I say there are only two objects for which a military force can be required in a colony; namely, either for war with external foes, or to preserve order and tranquillity within the colony. First, with respect to war with external foes; a military force may be required in a colony in consequence of its being engaged, or likely to be engaged, in war with a foreign potentate (with a lawful Power, to use the language of the law of nations); or a military force may be required in a colony for war with savage tribes on its frontier. Now, it is evident that a colony cannot be lawfully engaged in war with a lawful Power, without the empire of which it is a part being also engaged in that war. Therefore, every such war is, necessarily, an imperial war; the troops employed in it are employed for imperial purposes, and, consequently, their expenses ought to be paid by the imperial Government; though, in certain cases, it would not be unreasonable to expect that the colonies should assist the empire both with troops and money; and I feel convinced that, if the colonies were governed as they ought to be, they would gladly and willingly come to the aid of the mother country in any just and necessary war. They would do as the men of our old North American plantations did during a war with France, when they willingly bore a large portion of the burden of the contest with that monarchy and its Indian allies, and in every way proved themselves to be the hardy and generous sons of England.

I will next speak of wars with savage tribes on the frontier of a colony. The answer to the question, whether such wars ought to be considered as strictly local wars or not—whether any portion of the expense of such wars ought to be defrayed by the local government or not—the answers to these questions depend upon the nature of the government of the colony. If the inhabitants of a colony have representative institutions, and the management of their local affairs, and if the relations between them and the frontier tribes be conducted by local officers; then the local Government must be held responsible for the result; and, if the result be war, and that war be conducted by local officers, and the expenditure on account of it be under local control, then I think that it is quite clear that the whole expense of that war should be paid by the colony, and no portion of it by the united kingdoms. And I feel convinced that, if the local Governments had to pay the expense of native wars, those Governments would take care not rashly to engage in war; and, when engaged in it, it would be for their interest to bring the war to a termination as speedily as possible, and at the least possible cost. Unfortunately it is quite different when the imperial Government has to pay for a native war. Then it is the interest of many persons in the colony that the war should be made as expensive as possible. Now, it is very difficult for the imperial Government at home to exercise any efficient control over such expenditure. For instance, no one in this country has a distinct idea how 2,000,000*l.* were spent in the last Kaffir war. Sir Henry Pottinger told Lord Grey that it was impossible to convey an adequate idea of the confusion, the unauthorised expense, and the attendant peculation which prevailed during that war. And the Commissioners of Audit have reported that they could not audit the accounts, for no accounts had been kept. I believe that it is almost impossible for the imperial Government at home to exercise any real check over such expenditure; and I believe that it is also very difficult, if not impossible, for the imperial officers in the colony to resist the claims poured in upon them from every quarter; for, the imperial purse being considered inexhaustible, every one in the colony is intent either upon picking it himself, or assisting others in picking it, whenever a fair opportunity, like a native war, occurs. On the other hand, the resistance offered by the imperial officers in a colony is generally languid, for they have no clear and permanent interest in offending those around them by keeping down imperial expenditure, provided it do not become so extravagantly great as to cause a great outcry in this House; and, generally speaking, hon. Members know nothing about the matter till two or three years after the money has been spent. Then it is too late; fair promises are made, which are invariably broken. It appears to me to be of the utmost importance that we should not, if possible, be made liable for any bill on account of native wars; for such a bill will always be a most extortionate one; and yet in no one case that I remember were the extortioners contented, but invariably accused us of being mean, shabby, and not paying enough. If in any exceptionable case it should be deemed expedient to assist a colony possessing self-government, in a native war, I am inclined to think that the wisest plan would be to give the colony a round sum of money, and let the local Government employ it in the manner which it deems best. On the other hand, I must admit that if the inhabitants of a colony do not possess representative institutions, if they have no voice in the management of their local affairs, if they are governed by the Colonial Office, and if the relations between them and the native tribes are conducted by officers responsible to the Colonial Office; then the Colonial Office, that is, the imperial Government, must be held responsible for the result, and if the result be war, as the war will be conducted by imperial officers, as the expenditure on account of it will be under imperial control, as such wars are apt to be hastily produced, unnecessarily prolonged, and conducted with lavish expense, it would not be just to throw the whole burden of such wars on the colony; but a portion, at least, of the expense ought to be paid by the imperial Government.

I will now proceed to the question, who ought to pay the expense of the troops which may be required in a colony to preserve internal order and tranquillity? I think the answer to this question depends, also, upon the nature and form of the government of a colony; for disorder, riots, and insurrections are almost invariably the consequences of bad government. Therefore, if the inhabitants of a colony have representative institutions, and the management of their local affairs, and if they mismanage those affairs, then they should be held responsible for the result; and if the result be riots and insurrections, then it is clear that the expense of the troops, required to preserve internal order and tranquillity in the colony, ought to be paid by the colony. On the other hand, if the inhabitants of a colony do not possess representative institutions, but are governed by the Colonial Office, then the Colonial Office, that is, the imperial Government, should be held responsible for the result; and therefore, if troops be required to preserve internal order and tranquillity, the expense ought to be paid by the imperial Government. For the Colonial Office is responsible to Parliament; therefore, if the Colonial Office misgovern a colony, Parliament is to blame; and it is but just that the people of this country should pay the penalty. It is also a good thing that they should every now and then be severely fined on account of Colonial Office misgovernment. Because, generally speaking, little attention is paid in this House to the grievances of the colonies, and little redress given, unless those grievances are likely to be presented to us in the shape of a long bill for a war, or a rebellion, or something else of the same kind.

For instance, Canada obtained responsible government by sending us in, according to my hon. Friend the Member for Montrose, a bill of 5,000,000*l.* for a rebellion. The last Kaffir war, with a bill of 2,000,000*l.*, set us all a-thinking about representative institutions for the Cape of Good Hope; and I have no doubt that the present Kaffir war, with another bill of 2,000,000*l.*, will convert us all into Lycurguses and Solons, so far as that colony is concerned.

Sir, if the arguments which I have used are sound, they lead to the conclusions—1st, that no troops ought to be maintained at the expense of the united kingdoms, in any one of our true colonies, after it has obtained-self government, either for war with native tribes, or to preserve internal peace and tranquillity; 2nd, that when the British empire is engaged, or likely to be engaged, in war with a foreign potentate, then the expense of the troops required to defend the colony should be paid by the imperial Government; and, 3rdly, if it be expedient, for imperial purposes, to garrison certain fortresses or naval stations, situated within the boundaries of our true colonies, then the expense of those garrisons ought also to be paid out of the imperial revenues.

I will now proceed to consider separately each group of colonies. I will begin with our North American colonies. In the years 1834 and 1835, a Committee of this House was appointed to inquire into our colonial military expenditure. Lord Fortescue was chairman of that Committee. Lord Hardinge, the late Sir Henry Parnell, and my right hon. Friend the Member for Coventry, were Members of it; and I am sure that my views with regard to the North American colonies differ very slightly, if at all, from those of my right hon. Friend. I am delighted to see him in the House, because I know that there is no person in the House who understands colonial questions better than he understands them; and I feel deeply grateful to him for much good advice he has given me on these subjects. This Committee recommended that the strictest economy should be observed in every branch of our colonial military expenditure. According to a return presented to that Committee, I find that the number of troops, including artillery and engineers, in the North American colonies in 1835, was 5,369 men. The effective military expenditure for these colonies in that year amounted to about 337,000*l.* Since that period there has been a great increase in the military force and expenditure in the North American colonies. In the interval between 1829 and 1846-7 we spent 1,300,000*l.* on ordnance works in these colonies; and in 1846-7 the number of troops in these colonies amounted to 9,743 men, and the effective military expenditure was 645,000*l.*—an increase, therefore, as compared to 1835, of 4,374 men, with an augmentation in expenditure of 308,000*l.* I find that in 1846-7 we spent for military objects in these colonies, a sum equal to six-sevenths of their local revenue, and amounting to 5*s.* 8*d.* in the pound on our exports to them in 1849. Last year the military force in the North American colonies was about the same as it was in 1846-7. This year the noble Lord the Prime Minister stated that it is somewhat less than it was last year; still, according to the noble Lord's own statement, it far exceeds what it was in 1835. I ask the House to consider whether there is any necessity for this force being greater than it was in 1835? I ask, why was it increased? It was first increased in consequence of the rebellion in Canada. That rebellion was caused by Colonial Office misgovernment, for which we were justly fined. Since then the North American colonies, and especially Canada, have obtained responsible government, and far more self-government than they had in 1835; in fact, at the present moment they possess in some respects more control over their local affairs than the neighbouring States of the American Union; and I must say that I think Lord Grey deserves much credit for the wise and prudent policy which he has pursued with regard to these colonies, and especially for having determined to empower the Assembly of Canada to settle the question of the clergy reserves. According to the principles which I have laid down, no troops ought to be maintained at our expense in those colonies, except for strictly imperial purposes. Now, are there any imperial purposes for which it is necessary that troops should be maintained in these colonies? I have sometimes heard it said that we must keep a military force in these colonies to prevent annexation to the United States; but there is no danger of annexation to the United States, unless the majority of the inhabitants of these colonies desire annexation; and if they were to desire it, it would be great folly to attempt to resist annexation by force of arms; for such an attempt would certainly be unsuccessful, and the presence of a body of troops would only tend to lead to a disastrous, fruitless, and costly struggle. But I believe that there is, and will be, no wish on the part of the North American colonies to separate from us, as long as the wise and prudent policy of Lord Grey towards those colonies be adhered to. I have also heard it said that we must maintain a military force in the North American colonies, to guard against a sudden aggression from the United States. But before we fear such an aggression, let us consider the amount of the regular military force of the United States. In 1850 I believe it amounted to about 10,000 men. Now, if this amount of military force be sufficient for all the vast territories of the United States, extending from the river St. Lawrence to the Gulf of Mexico, from the Atlantic Ocean to the Pacific, how very much less than a third of 10,000 men would, according to the standard of the New World, be sufficient for our North American colonies? There is no danger of a sudden aggression from the United States as long as our North American colonists are sincerely attached to the British empire; and if such an event were to occur, I firmly believe they would be willing, as well as capable, to resist it. I have admitted that Halifax is a valuable naval station, and some persons consider Quebec to be an important imperial fortress, and consequently it is said that garrisons should be maintained in them at the expense of the united kingdoms. What amount of force would be required for these purposes? In 1835, the garrison of Halifax consisted of 1,549, and that of Quebec amounted to 1,107 men, making in all 2,656 men; therefore, according to my view, 3,500 men would be more than sufficient for all imperial purposes in the North American colonies. By reducing the force in these colonies to 3,500 men, a saving might be made in our effective military expenditure for the North American colonies to the amount of 400,000*l.* a year, as compared to the expenditure in 1846-7.

I will now proceed to our West Indian plantations; they are 16 in number; in 13 of them we have barrack establishments and troops; a couple of hundred men in one insignificant island, 150 in another, and so on. In the interval between 1829 and 1846-7 we spent 600,000*l.* on ordnance works in these colonies; and in 1846-7 the military force in them amounted to 6,261 men, and our effective military expenditure on account of them was 496,000*l.*—a sum equal to 6-7ths of their local revenues, and amounting to 5*s.* 6*d.* in the pound on our exports to them in 1849. In former times, when slavery existed, a military force was required to keep down the slaves; but with the cessation of slavery that reason for a military force ceased. But if a military force be now required for these colonies to preserve internal order, it follows, from the principles which I have laid down, that the expense of such a force ought to be defrayed by the colonists; for most of them possess representative institutions, and therefore they ought to defray the expense of all troops required for local purposes; and troops required to preserve order in a colony are evidently required for local purposes. Now, are there any imperial purposes for which it is necessary to maintain a military force in these colonies? I have heard it said that a military force must be maintained in those colonies to guard against aggression from the United States. But I repeat that there is no danger of aggression from the United States, unless the majority of the colonists wish to separate from us; and if they were to entertain such a wish, I maintain that it would not be worth our while to retain them by force of arms. But if it be necessary to guard against foreign aggression, as most of the colonies are islands, it is evident that a naval force would be the best means of defending them; and as the House determined the other night not to diminish our naval force, we have abundant naval means to defend these colonies from aggression from any quarter. It is also said, that Jamaica and Barbadoes are important naval stations, in which garrisons ought to be kept, in conformity with the naval policy of Great Britain. If so, I ask what amount of troops would be required to garrison those stations? I find that in 1846-7, the number of troops in Jamaica was 1,692 men, and in Barbadoes 1,353 men; consequently about 3,100 men would be sufficient for all imperial purposes in the West Indian colonies. If this opinion be correct, then our military force in these colonies might be reduced to half the amount it was in 1846-7, with a saving of about 250,000*l.* a year in effective military expenditure.

Next, I will speak of the Australasian group of colonies. I have omitted Van Diemen's Land, because Van Diemen's Land is a convict settlement; and, as convicts are transported to that colony for the alleged advantage of the people of England, it is but just that the people of England should pay for the troops required to preserve order among the convicts. Strictly speaking, I have nothing to do with the question of the number of troops which ought to be maintained in Van Diemen's Land; but I must observe that, in determining the number of troops to be kept in that colony, two facts should be borne in mind: first, that we have just given to the inhabitants of Van Diemen's Land representative institutions; secondly, that the great majority of these inhabitants are most strenuously opposed to the continuance of transportation; therefore it is probable that the first use they will make of their new institutions will be to resist the continuance of transportation. Now I beg the hon. Gentleman the Under Secretary of State for the Colonies, to remind his noble Friend the Secretary of State for the Colonies of these facts, and to tell the noble Lord, that if he do not wish to repeat the farce he acted with regard to transportation to the Cape of Good Hope, if he do not intend to yield to threats and menaces, and if he be determined to continue transportation to Van Diemen's Land, he must augment the number of troops in that colony, in order to keep down the free colonists, as well as to preserve order among the convicts.

On the continent of Australia the number of troops in 1846-7 was 2,286 men, and the effective military expenditure was 92,000*l*. Since that period the greater portion of these troops have been withdrawn. I am glad to find, from despatches lately presented to Parliament, that Lord Grey intends to apply to the colonies of New South Wales and Victoria the principles which, in my opinion, ought to regulate our military expenditure with regard to our colonies properly so called. The noble Lord has stated his intention to reduce the military force in the colonies which I have just named, to a simple guard in their capitals, namely, in Sydney and Melbourne. He has informed the Governor of New South Wales, that "if a greater amount of force is required, the local Legislature must either make provision for raising a more considerable body of police, or provide for the pay and allowances of an additional number of troops." In another despatch the noble Lord makes a remark well deserving of attention with regard to the next colony which I am about to mention, namely, New Zealand. That remark is, "That in the earlier days of British colonisation the colonists were left to depend, in a far greater degree than at present, on their own exertions. The inhabitants of what are now the United States of America were left, with exceedingly little assistance from the mother country, to defend themselves from the numerous and warlike tribes of Indians by whom they were surrounded." Now, I only ask you to return to the old policy of England with regard to her plantations, and to leave them to depend upon their own exertions, giving them, at the same time, local self-government.

I am sorry next to inform the House, that a considerable portion of the troops which were stationed in New South Wales have, by Lord Grey's directions, been transferred to New Zealand. In 1846-7, the military force stationed in that colony amounted to 1,629 men, with an effective military expenditure of 85,000*l*. Since then there has been a considerable increase both in force and expenditure. In 1848 the number of troops was 2,948, and they must have cost us at least 150,000*l*., exclusive of the 20,000*l*. or 30,000*l*. which we vote every year for civil expenses. This is a preposterous amount of expenditure for these islands; it is equal to more than 20*s*. in the pound on our exports to them, and is four times the amount of their local revenues. I must mention, also, with regard to these most costly possessions, that in the northern island, where the troop: are stationed, there were, in 1848, almos as many soldiers as European men: th number of European men being only 3,157, and therefore exceeding the number of soldiers only by 209 men. And, in fact, in the province of New Ulster the number of soldiers, amounting to 1,798 men, exceeded the number of European men by 298 men. Why do we maintain this amount of force in New Zealand? For native wars. I will reserve my observations on native wars till I reach South Africa, and I will only express my conviction that if we were to give to the colonists of New Zealand free institutions, and the management of their local affairs, we might withdraw our troops from New Munster a least, and the colonists would be able t defend themselves, and would take care t be on good terms with the natives,

Lastly, I arrive at South Africa. The Committee of 1834 on colonial military expenditure, approved of a reduction of si men per company, in the military forc which was then stationed in the Cape o

Good Hope. It amounted to about 2,000 men, at a cost, in 1832, of about 100,000*l.* Since then there has been a large increase, both in force and expenditure, in consequence of Kaffir wars. In 1835 there was a Kaffir war, and our effective military expenditure in that year was 240,000*l.* In 1846-7 there was another Kaffir war; the military force was augmented to 6,196 men, and our effective military expenditure became 685,000*l.*, a sum equal to 26*s.* for every pound of our exports to that colony, and three times the amount of its local revenues in 1849. The last Kaffir war cost us 2,000,000*l.* The present Kaffir war appears to be even more formidable than the last one, and I am afraid is likely to cost as much.

I wish now to call the most serious attention of the House to the present Kaffir war. It confirms and illustrates every one of my positions. The outbreak of that war was one of my chief reasons for giving notice of this Motion, and I must therefore ask the indulgence of the House while I make some observations with regard to it. There are three important questions with regard to the present Kaffir war, namely, Who is to pay for it? What has led to it? And what steps ought to be taken to relieve this country from any liability on account of similar wars? To the first question I answer, that, according to the principles which I have laid down, we are not entitled to throw the whole burden of the present Kaffir war upon the colony of the Cape of Good Hope, and that we are bound to bear a very considerable portion of the expenses of this war. First, because the inhabitants of the Cape of Good Hope do not possess representative institutions; they have not the management of their local affairs; they are governed directly by the Colonial Office, through the agency of Sir Harry Smith, and the relations with the Kaffir tribes have been conducted by Sir Harry Smith, and very strangely have those relations been conducted. Secondly, we are not entitled to throw the whole expense of this war upon the colony of the Cape of Good Hope, because it has broken out in British Kaffraria, which is no part nor portion of the colony of the Cape of Good Hope, but a separate province, governed by Sir Harry Smith, under a Commission separate from that under which he is Governor of the Cape of Good Hope. There can be no doubt, therefore, that we shall have to pay.

I proceed next to the question, what have been the causes of this war, and who is to blame for it? I think the papers which have been lately presented to the House clearly prove one of two things, either that Sir Harry Smith was very ignorant of the state of British Kaffraria, and the feelings of the Kaffirs, or that this outbreak has been produced by his mismanagement. The despatches which I now hold in my hand were delivered to hon. Members at the commencement of this Session. In every one of them Sir H. Smith described, in glowing language, "the unprecedented state of tranquillity" of British Kaffraria. He consoled Lord Grey for the failure of his attempt to transport convicts to the Cape of Good Hope by the gratifying intelligence, that "everything progresses most satisfactorily on the eastern frontier of this colony;" that the Kaffir police was most useful; that frontier depredations were almost unknown; that "we are overcoming witchcraft;" and that "the Kaffirs were contented and happy under the British rule." Lord Grey was delighted at this intelligence, and the noble Lord declared that he had no doubt of the wisdom of Sir Harry's arrangements, and of their beneficial results. Thus the noble Lord and the gallant General bandied compliments, and we, relying on their statements, began this Session under the happy delusion that British Kaffraria was a sort of terrestrial paradise; that our eastern frontier was safe; and, above all, that our pockets were safe from Kaffir inroads; and, therefore, that we might enjoy a squabble among ourselves about the disposal of a surplus revenue. Alas! all is now changed. The wise arrangements of Sir Harry Smith are upset; the frontier system of Lord Grey is a failure; the sanguine anticipations of the noble Earl are disappointed; the Elysium of British Kaffraria has become a Tartarus; our pockets are in the act of being picked, and our surplus revenue is disposed of. What are the causes which have led to this sad change? I think they may be classed under three heads:—1. Encroachments by Europeans on the lands of the Kaffir. 2. The frontier system of Sir Harry Smith, sanctioned by the Colonial Office, which consisted in a minute, perpetual, and irritating interference with the affairs of the Kaffir, and in an unceasing and galling attempt to subvert the influence and authority of their chiefs.

LORD JOHN RUSSELL: Just the reverse.

Sir W. MOLESWORTH: I hope the noble Lord will hear me, and then answer me. The noble Lord relies on the statements of the Colonial Office, and those are generally erroneous. The third cause of war was, the complete ignorance of Sir H. Smith, and the consequent ignorance of the Colonial Office of the feelings which the Kaffirs entertained with respect to Sir H. Smith, and his proceedings.

I must observe, with regard to the first-mentioned cause of war, that almost all wars between Europeans and native tribes may be traced directly or remotely to disputes about land. These disputes generally arise from the encroachments by Europeans on the lands of the natives. These encroachments drive away the wild animals, the game of the hunter tribes, and curtail the pastures of the pastoral races: then the native tribes, deprived of their means of subsistence, must either starve, or encroach upon the lands of neighbouring tribes, and war with them, or rob and assail their European foes. The timid and gentle races lie down and die; the fierce and energetic resist. Sir, among savages few excel the Kaffirs in vigour, courage, and audacity; and they have often declared that they prefer death by our swords and bullets to death by starvation. Now, we have extended our empire in South Africa, not slowly, not gradually, as our population increased, and the natives decreased, slain by our liquors, diseases, and civilisation; but Sir Harry Smith has, within the last five years, extended that empire by huge, gigantic, and extravagant strides.

To explain Sir Harry Smith's proceedings in South Africa, I must ask permission to describe in a few words the form and character of our South African empire. South Africa is a lofty and elevated table-land: it projects from the Equator towards the Southern Pole in the shape of a huge promontory, bathed by the Atlantic, Southern, and Indian oceans. From the shores of these oceans the land mounts up by flights of mountain steps to the table-land of the interior. Between these mountain ranges and the Southern and Indian oceans there is a narrow strip of fertile land. There, in former times, dwelt the tribes of the Hottentots. Just two centuries ago, the Hottentots were assailed simultaneously by two most formidable foes. From the north-east came the Kaffirs, a negro race, probably with a large mixture of Arab, or rather Caucasian blood. Increasing numbers, or a want of pasture for their cattle, or the attack of hostile and kindred tribes, had compelled them to abandon their homes under the tropics, and, like the Huns and Scandinavian swarms of old, to seek in the south new lands whereon to subsist. One of these swarms, called the Amakosa, under their great chief Togul, wrested from the Hottentots the territory between the Kei and Keiskamma rivers, now known by the name of British Kaffraria, the seat of the present war. About the same time, in the year 1650, the Dutch landed at the south-western extremity of Africa, where Cape Town is now situated. The Hottentots, assailed on the one side by the Dutch, and on the other by the Kaffirs, were exterminated or enslaved. Finally, Kaffir and Dutch, advancing from opposite directions, met in the province of Albany. There a petty warfare ensued, similar to the border warfare of England and Scotland. The Kaffir, like the Scot, deemed it a meritorious act to steal the cattle of his foe; and the Dutch, like the English, were not slow to retaliate. The Dutch Boers, encamped in military villages, were able not only to defend themselves, but, as their numbers increased, they gradually pushed the Kaffirs back. In 1806, we took final possession of the Cape of Good Hope. We soon began to interfere with the border system of the Dutch, and establish military posts on the frontier, with garrisons of regular troops. The imperial expenditure on account of those garrisons attracted very many Europeans to the frontier. The presence of the troops encouraged, facilitated, and hastened the encroachments of the Europeans on the lands of the Kaffirs; and, on various places, we took possession of their territories, and claimed authority over their chiefs. The Kaffirs resisted, stole the cattle of the colonists, and committed numerous depredations. The colonists retaliated; the troops were called out; and a Kaffir war ensued. With the termination of each war we added to our territories, and thus sowed the seeds of more cattle-stealing and more wars. As war followed on war, the Kaffirs improved in the art of war, acquired something of the skill of their opponents, and learnt the use of European weapons. Therefore, successively, every Kaffir war has become more formidable than the preceding one, requiring more troops, and costing a larger sum of money. In 1832, as I have already said, our military force in South Africa amounted only to 2,000 men, and our military expenditure for that year was about 100,000*l*. In 1835, there was a Kaffir war, and our military expenditure for that year amounted to 240,000*l*. In 1846-7, there was another Kaffir war, and the number of troops in South Africa was 6,196 men, and our military expenditure for that year amounted to 685,000*l*. On the conclusion of that war, Sir Harry Smith, with the sanction of the Colonial Office, added to the colony of the Cape of Good Hope, on its north-eastern side, the provinces of Victoria and Albert, containing about 3,600 square miles. Beyond these provinces, still to the north-east, Sir Harry Smith then added to our South African dominions, but not to the colony of the Cape of Good Hope, the territory of British Kaffraria, in which the present war commenced, and which contains about 3,900 square miles. Not content with these acquisitions, Sir Harry Smith then crossed the mountains which guarded the northern frontier of the Cape of Good Hope, and took possession of the whole tract of country between them and the Orange River; an area of the size of England, containing about 50,000 square miles of as barren a desert as any on the face of the earth. This desert had made our northern flank secure against the attacks of barbarians. Having uncovered this flank, Sir Harry Smith, still travelling northwards, crossed the Orange River in pursuit of the rebel Boers. These Boers had fled from Colonial Office oppression to Natal. There we first permitted them to establish a Government. Then we sent our troops to subdue them, and thus added to our dominions 10,000 square miles, situated on a harbourless ocean, with Kaffirs on one side, and their kinsmen, the equally warlike Zoolahs, on the other side. The taking possession of this worthless territory was an achievement of a former Government. In consequence of it, the Boers fled again, and crossed the mountains to the plains of the interior. Sir Harry Smith, as I have said, pursued them, and defeated them, and proclaimed the sovereignty of Great Britain over all the plains between the Great Orange River and the Vaal or Yellow River; an area of about 48,000 square miles, with a frontier of 600 miles, exposed to the incursions of the Zoolahs and other tribes of the same origin as the Kaffirs. Again, some of the Boers have fled northwards, and crossed the Yellow River, and if we persevere in our policy of pursuing them, we shall have to follow them to the Mountains of the Moon, and to add to our dominions all Africa south of the Equator. Thus Sir H. Smith, with the sanction of the Colonial Office, has since 1847 added 105,000 square miles to our South African possessions; an area nearly equal to that of the United Kingdoms; and our South African empire now covers the vast space of 282,000 square miles, an area equal to the whole of the Austrian empire, including Lombardy, and adding Piedmont to it. I calculate that on the frontier of this empire there is a line of 1,000 miles, as far as from here to Rome, exposed to the attacks of savages of the same blood as the Kaffirs, and as fierce, warlike, and energetic as the Kaffirs, whom Sir H. Smith in his last despatches describes as the most determined and reckless of barbarians. As yet we have fought only with the Kaffirs along a line of 200 miles; but the same causes which gave birth to wars with the Kaffirs are coming into operation along the whole of this frontier of 1,000 miles, and are likely, in course of time, to embroil us with all the native tribes which I have mentioned. I dare not attempt to calculate what it would cost us to defend this frontier with regular troops, in the same manner as we have defended the north-eastern frontier of the Cape of Good Hope. To defend these 200 miles, we have spent of late years not less than 600,000*l*. annually. From these data hon. Gentleman may calculate what the defence of 1,000 miles would cost.

To show some of the consequences of the encroaching policy of Sir H. Smith and of the Colonial Office, I will now refer to the blue book which has been delivered to us. I open it, and the first subject I see in it is entitled, "Boundary Dispute between Dutch Farmers and Tambookies." I will give the substance of Sir Andries Stockenstrom's account of that dispute. It was about land The land belonged to the Tambookies, a Kaffir tribe, who had generally been on friendly terms with us. Prior to Sir Harry Smith's arrival on the frontier, in the winter of 1847, this land was situated without the colony. The Boers on the frontier memorialised Sir H Smith to annex it to the colony, and give it to them. Sir Harry Smith, in a reply written and signed by himself, granted the prayer of the memorial. A portion of the land in question was forthwith measured out for some of the Boers, and it so happened that the land so measured out belonged to a chief who had been our ally in the last war. This, said Sir Andries Stockenstrom, rendered the Governor prodigiously popular at the time. The Tambookies, however, refused to give up their land. The Boers threatened to expel them, and bitterly complained that they had been deceived by the fine words of the Governor. Sir Andries Stockenstrom, in his letter of the 1st of July last, addressed to the Colonial Secretary, commented upon these proceedings of Sir H. Smith in the following words: These proceedings were calculated to "set the Boers and Tambookies at mutual slaughter," "to convert Her Majesty's most devoted servants into desperate rebels;" and "it was with the most gloomy forebodings that he (Sir A. Stockenstrom) trembled at the prospect of the almost inevitable consequence of these proceedings." Unfortunately these gloomy forebodings have come to pass. According to the last accounts in this blue book, these Tambookies have attacked the frontier, captured a quantity of cattle, and committed a long list of murders, and the Boers throughout the colony have displayed a rebellious spirit by their "dogged inactivity."

The next subject of importance in this book to which I refer is entitled, "Excitement throughout Kaffirland, by the Prophecies of a Witch-doctor." Sir Harry Smith had assured Lord Grey that he was putting down witchcraft: Sir Harry Smith was not so successful as he thought. Last autumn the belief in witchcraft sprang up again in Kaffirland, in consequence of the want of rain. From a long-continued drought, the pastures of the Kaffirs were burnt up, their cattle became skeletons and lost their milk, one of the chief means of subsistence to the Kaffirs; the calves died, the hopes of the future were destroyed, and the sufferings of the Kaffirs became intense, and produced amongst them feelings of desperation and animosity towards us. For before we came among them, when there was a want of rain, the Kaffirs used to lead their cattle from the plains to the mountain sides, where water is generally to be found; or they used, by changing their pastures, to follow the rain, for frequently when there was a drought in one part of their territory, rain was falling in another. In consequence of our encroachments, the power of the Kaffirs to change their pastures was greatly diminished, and, consequently, their sufferings from drought greatly augmented. In former times, I believe, the Kaffirs were permitted to pasture their herds at certain seasons on the unoccupied lands of the provinces of Victoria and Albert, which were then called the neutral ground; but since Sir Harry Smith added these provinces to the colony of the Cape, that permission has been refused. Sir, under the influence of these sufferings, the feelings of the Kaffirs towards us are (as the well-informed writer of an interesting tale of the Kaffir wars justly observes) the same as those of the Gael to the Saxon, described in the verse of Sir Walter Scott. The Kaffir chief would exclaim, like Roderick Dhu:—

> "These fertile plains, that softened vale,
> Were once the birthright of the Gael.
> Where dwells he now? * * *
> Think'st thou we will not sally forth
> To spoil the spoiler as we may,
> And from the robber rend his prey?
> While of ten thousand herds there strays
> But one along yon river's maze,
> The Gael, of plains and rivers heir,
> Shall, with strong hand, redeem his share."

These were the feelings of the Gael, and are the feelings of the Kaffir towards us. We subdued and civilised the Gael; but then their numbers were limited. We cannot subdue and civilise the Kaffir races, because their numbers are unlimited. We may, to use the words of Sir Harry Smith, exterminate those on our immediate frontier; but beyond them are others, and beyond them are innumerable others, extending to the Equator and beyond. In course of time we might exterminate them up to a given line—I mean the line beyond which the European race cannot increase and multiply, and which line intersects the eastern coast a little to the north of Natal; but beyond that line there are innumerable and prolific hives of barbarians, whence they will for ever swarm forth to attack us with wars perpetual and costly.

I will now return to the subjects of the want of rain and the witch-doctor. There is a belief in Kaffirland, as there is in certain parts of this country, that certain persons called "witches," and certain things called "bewitching things," can cause injury to human beings, and to cattle, and prevent the falling of rain. The Kaffirs also believe that there are certain persons called "witch-doctors, who can discover witches and "bewitching things." Now, the Kaffirs attributed the drought of last year to witches, and a great witch-doctor appeared in British Kaffraria. He pretended, like Sir H. Smith, to put down witchcraft. Sir Harry was much astonished at his pretensions, and, as two of a trade never agree, Sir Harry ordered Colonel Mackinnon to secure this Mahomet, as he termed him, and to transport him to Robben Island. Colonel Mackinnon, however, told Sir Harry that this seizure would cause great irritation among the Kaffirs, and would endanger the tranquillity of the colony; that there had been nothing mischievous or warlike in the conduct of the witch-doctor; and that he ought not to be molested. On the other hand, I must state that it was generally believed in the colony that the witch-doctor had prophesied against the Europeans, and had attributed to them the sufferings of the Kaffirs; and that these prophecies had produced much excitement in Kaffirland. Sir Harry Smith and Colonel Mackinnon, on the contrary, attributed the excitement in Kaffirland to the efforts of Sir Harry Smith to overthrow the authority of the native chiefs. Without attempting to decide whose opinion was right, certain it is that great excitement did exist last autumn among the Kaffirs in British Kaffraria. That excitement produced much alarm among the frontier farmers; that alarm was increased by finding their Kaffir servants suddenly leave them; they began, therefore, to take precautions against an attack from the Kaffirs; and those precautions, according to Sir Harry Smith, alarmed the Kaffirs, who thought that the Boers were going to attack them. In the midst of this alarm and excitement, Sir Harry Smith wrote to Lord Grey, on the 14th of October last, that though "he attached no importance to this excitement," he would proceed at once to the frontier, and, on his arrival, he would report without delay. Accordingly, he wrote to Lord Grey on the 21st of October, and stated that "his Lordship need be under no apprehensions of an outbreak," and that a meeting of Kaffir chiefs was summoned for the 26th of October, when he, Sir Harry, would explain to them their true position. That meeting had very important consequences. The great Gaika Kaffir chief, Sandilli, did not attend it. He had been informed that he was accused of being on friendly terms with the witch-doctor, and he knew that an attempt had been made, by the order of Sir Harry Smith, to seize the witch-doctor. Sandilli declared that he was afraid of attending the meeting, lest he should be put in prison, for that once before, when he had attended a meeting, he had been put into prison. He therefore disobeyed Sir Harry Smith's order. Sir Harry immediately issued a proclamation, deposing Sandilli from the rank of chief. On the 31st of October, Sir Harry announced this event to Lord Grey, and assured the noble Earl that Sandilli possessed neither influence nor respect among his people. Never did Sir Harry Smith make a more incorrect statement. Twice has an attempt to capture Sandilli caused an outbreak of the Kaffirs. They rose one and all to defend him last winter, and there is not a man among them who would not gladly rush between a bullet and the person of Sandilli. In the same despatch Sir Harry stated, with reference to the deposition of Sandilli, that "a crisis had arrived which would test his system"—that "he had no apprehension of the result"—that the Kaffirs "were as fully sensible of their position as the most civilised beings could be"—that "every Kaffir who possessed anything was a supporter of the present Government"—and that, "if the chiefs had endeavoured to excite the people, they had signally failed." In the next depatch, dated the 6th of November, he assured Lord Grey that the crisis had passed most happily, and that therefore he should immediately leave the frontier and return to Cape Town. On his arrival there he wrote again to Lord Grey, on the 26th of November, assuring the noble Lord that "he had left British Kaffraria in a state of perfect tranquillity, the Kaffir people fully satisfied, and the chiefs expressing similar feelings." In the same despatch there is a passage which deserves the attention of the House, for it shows how events have falsified every expectation of Sir H. Smith. In that passage he informed Lord Grey that he was going to organise, in the colony of the Cape of Good Hope, a rural police, analogous to the Kaffir police, which had been "so remarkably efficient in British Kaffraria." According to the last accounts, almost every one of the Kaffir police has deserted to the enemy with their horses, arms, and ammunition. Whereon Sir Harry moralises in the following strain: "Thus is again recorded in history another instance of the danger to be apprehended from arming men from hostile populations." And, with this sentiment in his mouth, Sir Harry Smith proceeded forthwith to order the Governor of Natal to arm and lead into the field, against the Amagaika, 3,000 warriors of the hostile population of the Amazoolah.

To return, however, to my narrative, the "perfect tranquillity" which Sir Harry Smith described in his despatch of the 26th of November, did not continue long. On the 5th of December he wrote:—

> "My dear Lord Grey—The quiet I have reported in Kaffirland, and which I had so much and so just grounds to anticipate, is not realised. I start this evening. The moment I reach King William's Town you shall hear from me."

Accordingly, on the 12th of December he wrote again, and assured Lord Grey that "he perceived little or no difficulty in restoring tranquillity." Lord Grey was delighted at receiving this despatch, for in reply he wrote how "glad he was to learn that all immediate danger of an outbreak was at an end." Unhappy Lord Grey! This letter was written on the 5th of March; the next day he received intelligence that the outbreak had commenced with fearful violence. It is evident, therefore, that the two persons who ought to have been pre-eminently well informed on these matters were pre-eminently ignorant. One (Sir Harry Smith) was either stone-blind to all that was going on around him, or this outbreak has been caused by his mismanagement. The other (Lord Grey) reposed blind confidence in the wisdom of Sir Harry Smith's arrangements. The next and last despatch to which I shall refer, displays, in the highest degree, the blindness of Sir Harry Smith. It is dated the 20th of December last, four days before the commencement of the war. It begins with an account of a meeting between the T'Slambie tribes (who dwell in the neighbourhood of King William's Town) and Sir H. Smith. He stated that the conduct of the chiefs and the feeling of the assembled people were all that he could possibly desire. The chiefs expressed their determination to adhere faithfully to the present order of things, and to obey Her Majesty. According to the last accounts, they have fought against our troops, and intercepted the communications with King William's Town. In the same despatch, Sir Harry stated that he

> "had received accounts of a very improved character as regards the conduct of the Tambookie chiefs, and he looked forward with every confidence to being able to restore general harmony and tranquillity."

These are the chiefs about whom Sir Andries Stockenstrom entertained such gloomy forebodings. According to the last accounts, they have, as I have already said, attacked our frontier, carried off a quantity of cattle, committed a long list of murders, and, I am afraid, Cradock is in great danger from them. Next, Sir Harry was sorry

> "to inform Lord Grey that the majority of the farmers on the frontier had abandoned their homes, and removed far into the interior." "His advice and influence had been exerted to induce them to remain," but, "unfortunately they had disregarded his counsel."

Most fortunate it was for them that they did disregard his counsel—that his advice had no weight nor influence with them—that they did abandon their homes and move far into the interior; for if they had believed in Sir H. Smith, most of them would have been slaughtered. In the same despatch he stated that he was happy to bring under Lord Grey's notice the good and loyal feelings which prevailed among the colonists. According to the Colonial Secretary, they have displayed the most dogged inactivity, and cannot be induced to move to Sir H. Smith's assistance. Lastly, in this same despatch, Sir Harry describes his great meeting with the Gaika tribes, on the 19th of December last, at which 3,000 Kaffirs were present. According to Sir Harry, the meeting went off in the most satisfactory and gratifying manner. He informed Lord Grey that it was evident that "Sandilli and other Gaika chiefs had endeavoured to excite the people against the present rule—that they had signally failed—that the people saw the advantages they derived from the present state of things"—that they were tranquil, contented, and happy—that he anticipated that his system would be perpetuated—and he declared that he had "every confidence in the prospect before them." Four days after this despatch was written, the Gaikas rose in arms, defeated Colonel Mackinnon, then surrounded Sir H. Smith in Fort Cox, and then repulsed Colonel Somerset when he attempted to open communications with Sir Harry.

Sir, I ask what made the Gaikas rise in arms? I have said it already—it was the attempt to capture Sandilli. Now, one word with regard to Sandilli, who is unfortunately too well known to us. He is of the purest Kaffir blood. Son of the great Gaika by a wife of the sacred race of the Amatembu, he is ninth in descent from the conqueror Togul. The Kaffir war, which began in 1846, was rekindled in 1847, in consequence of a dispute between him and Sir H. Pottinger. That dispute arose about thirteen or fourteen goats which had strayed, or had been stolen, from the colony. Sir H. Pottinger ordered Sandilli to restore them, and to give up the thief. Sandilli did restore twelve goats, but declared he knew nothing about the remainder, nor about the thief, if there was one. Sir H. Pottinger was not satisfied. He sent a secret expedition to capture Sandilli. The Kaffirs rose in his defence, and the expedition failed. According to Sir H. Smith, "in this bit of a brush with Sandilli 56,000*l.* were spent on waggon hire alone." This fact will give the House some faint idea of the probable expense of a contest with Sandilli. Sir H. Smith, soon after his arrival in the colony, assembled the Kaffirs at King William's Town. At these meetings, which took place in December, 1847, and January 1848, Sir Harry Smith pretended to depose Sandilli from the rank of Great Chief, and to appoint himself the Inkosi Inkulu of the Kaffirs. He did so with the strangest ceremonies. He described to Lord Grey his proceedings on one occasion in the following words:—

> "The Kaffirs being arranged in a circle, I rode into the midst of them, bearing in my right hand a sergeant's halbert, well sharpened, the emblem of war; in my left hand a magic wand, my baton of peace and authority, surmounted with a brass knob. I directed each chief to come forward, and touch whichever he pleased—it was immaterial to me. They all touched the symbol of peace; then each chief kissed my foot, exclaiming 'Inkosi Inkulu.' I then shook hands with each, never having done so before. Three cheers were given; and thus I commenced the foundation of their social condition."

At another meeting he made the Kaffir chiefs swear "to obey his commands," "to disbelieve in witchcraft," "not to buy wives," and every year to give a fat ox to Her Majesty. On the same occasion he treated the Kaffirs to a little conjuring. He had a waggon stationed on an eminence at a considerable distance, with no one whatsoever near it. "Now," said Sir Harry to the Kaffirs—I quote his own words—

> "you dare to make war! You dare to attack our waggons! See what I will do if you ever dare to touch a waggon or the oxen belonging to it! Do you see that waggon, I say? Now, hear my word—Fire! (The waggon is blown up.) Ah! do you see the waggon now? And you would, and shall, be blown up with it if you ever again attempt to touch another. So be good, and believe in your father."

Sir Harry said, that the astonishment of the Kaffirs at this trick was excessive, and so ought to have been Lord Grey's when he read it. Sir Harry also harangued the Kaffirs in speeches full of bombast and rhodomontade, with a mixture of religion, or rather of blasphemy, beginning with a curse and ending with a prayer, much after the fashion of a mock oration of a trooper of Cromwell. Thus, by alternately coaxing and threatening the Kaffirs, by alternately praising and reviling them, by playing up all manner of fantastic and mountebank tricks, by aping the manners of the savage, Sir Harry thought to civilise the Kaffirs and to impose upon them; but the Kaffirs laughed at him, turned him into ridicule, and imposed upon him. At the great meeting of the 19th of December last, Sir Harry acted a somewhat similar farce. According to the reports of the colonial newspaper he denounced Sandilli as a rebel and an outlaw, and offered a reward of 500*l.* for his capture; the Gaika chiefs remonstrated, and entreated him to show mercy to Sandilli. Sir Harry declared that he could not do so, for if he were to show mercy to Sandilli, the great Queen of England would cut off his (Sir Harry's) head, and that he would not lose his head for such a rebel as Sandilli. The next day Sir Harry proclaimed a successor to Sandilli, and wrote to Lord Grey that he had every confidence in the prospect before us; two days afterwards, in a postscript to the same despatch, he assured Lord Grey that the best feeling pervaded the Kaffirs, and that the Gaikas were much pleased with his conduct. Finally, on the 24th, finding that no Kaffir would betray his chief even for the enormous reward of 500*l.*, Sir Harry sent Colonel Mackinnon with a force of 587 men to capture Sandilli; that expedition failed, as a similar one had failed in 1847; the Gaikas rose in defence of their chief; they attacked our troops in a narrow defile, from which our troops were with difficulty extricated, with serious loss. Then the Kaffirs destroyed the military villages on the frontier, slaughtering the inhabitants; next they surrounded, and nearly captured, Sir H. Smith in Fort Cox, owing to which accidental circumstance (to use the strange language of the hon. Gentleman the Under Secretary of State for the Colonies) Sir H. Smith was for several days prevented from communcicating with the colony. Next, the Kaffirs repulsed Colonel Somerset in his attempt to open communications with Fort Cox. Finally, Sir H. Smith escaped, and on the 31st of December reached King William's-town. Immediately he issued a proclamation, calling upon the colonists to rise *en masse*, destroy and exterminate the barbarous savages, and promising the colonists unlimited license to plunder. At the same time he sent post haste to Natal for the assistance of 3,000 Zoolahs. According to the latest accounts, though the Kaffirs have been defeated in their attacks upon some of our forts, they have committed great ravages. Not only have the Gaikas attacked us, but the T'Slambies have intercepted our communications with King William's-town; the Tambookies have assailed us on the north; the Kaffir police have deserted; the Kat River Hottentots have rebelled; the Boers are doggedly inactive; disaffection prevails amongst the coloured classes on the frontier, who were our best allies in the last war; and throughout the whole of the eastern provinces martial law has been proclaimed.

Sir, I fear much that a serious war has commenced, and that it will be a costly one. I have seen in the colonial newspapers an official notice, calling upon all ablebodied men to enrol, offering them a bounty of *2l.* for six months' service, with the ominous promise of an additional bounty of *1l.* for every additional three months' service. These men are to have *6d.* a day pay, with arms, clothing, and accoutrements, and rations for themselves and families. I do not doubt that all this is necessary, yet I read this notice with great alarm. For I remembered the vast sums which had been expended during the last war on rations, the fraud and peculation which had attended their distribution, the impossibility of the Imperial Government to control the expenditure on account of them. I remembered the statement of Sir H. Pottinger, that a few persons on the Kat River had, on the plea of defending the frontier, been receiving rations at the rate of 21,000*l.* a year, and that a number of Kaffirs, while fighting against us, had been receiving rations from us. I read this notice, therefore, with great alarm, and thought what we should have to pay. For pay we must; because Sir H. Smith and Lord Grey are responsible for this war. It has broken out in their own peculiar kingdom of British Kaffraria, which is no part nor portion of the colony of the Cape of Good Hope. It is the consequence of the encroachments which they have sanctioned, of their ignorance of the feelings of the Kaffirs, and of their frontier system of perpetual and vexatious interference in the affairs of the frontier tribes. That frontier system has completely failed, and Sir Harry Smith, in despair, declares, that "what is ultimately to be done with these barbarians remains a problem."

The last question is, what steps ought to be taken to relieve this country from any expense on account of future wars with the Kaffirs? It is clear that, first, we must defeat the Kaffirs and reduce them to subjection, and pay for so doing. What should we then do? Adhere to the present system of defending the frontier by troops at the expense of this country? In 1848 I presumed to warn the House, that under that system, we should have a Kaffir war every three or four years, with a long bill to pay for it; that there was only one way to save our pockets, and that was to give to the colonists of the Cape of Good Hope the freest institutions, and the uncontrolled management of their local affairs, and especially of their relations with the savage tribes on the frontier. Then we should make them distinctly understand that they must, like the men of our old North American plantations, defend themselves against the savage, and pay the expense of so doing; and, finally, we should withdraw our troops from the frontier, and only retain a garrison in the military station of Cape Town. If the House will not sanction these measures, we must make up our minds to pay roundly—there will be no use in grumbling. We shall have to pay at least from 600,000*l.* to 700,000*l.* a year for the Cape of Good Hope—a sum exceeding our exports to it. Now, I say that the Cape of Good Hope is not worth that sum of money. The only portion of it which is worth anything is a narrow slip of land between barren mountains on one side, and a harbourless sea on the other, the rest being as barren a desert as any on the face of the earth. With free institutions, and the management of their own affairs, I believe the colonists of the Cape of Good Hope would be slow in embroiling themselves with the savage, and when necessary they would be quite able to defend themselves. A short time ago, they bid defiance to the might of England, and threatened to resist by force of arms any attempt to land convicts on their shores; let them display similar energy and self-reliance in their wars with the Kaffirs, and they will be more than a match for Sandilli and all his followers.

I have now concluded my observations

with regard to the military expenditure of Great Britain on account of the colonies, which are neither military stations nor convict settlements. I have attempted to prove that no troops ought to be maintained at our expense, in any one of those colonies, after it has obtained free institutions, except for strictly imperial purposes; and that it is not just to call upon the people of this country to defray out of their taxes any portion of the expense of the troops required for local purposes. I have endeavoured to show that by applying these principles to our North American colonies and West Indian plantations, a considerable reduction might immediately be made in the amount of force which we maintain in these colonies, with an ultimate reduction in our effective military expenditure on account of them to the amount of about 650,000*l.* a year. I have also attempted to show, that if we were to give self-government to our colonists in New Zealand and South Africa, a very considerable reduction might ultimately be made in the amount of force which we maintain in these colonies, with an ultimate saving to this country of about 550,000*l.* a year, in effective military expenditure. Therefore, the total saving which I now propose for the consideration of the House, would amount to about 1,200,000*l.* a year in effective expenditure; if to this sum be added a proportionate amount of the dead weight, the whole saving would in course of time amount to about 1,600,000*l.* a year. If my views with regard to military stations be correct, and were to be acted upon, then a much larger reduction than that which I have mentioned might be made in our Colonial military expenditure.

I have still to mention the civil expenditure of this country on account of the colonies. On this subject I have very little to say; for it is evident that the principles which I have laid down with regard to colonial military expenditure are equally applicable to colonial civil expenditure; and if they are correct, it follows that whenever a colony which is neither a military station nor a convict settlement has representative institutions, all civil expenses for local purposes ought to be paid by the colony, while all civil expenses for imperial purposes ought to be paid by the united kingdoms. In 1846-47 our colonial civil expenditure was 500,000*l.* Of this sum about 300,000*l.* were for the clothing, maintenance, and transport of convicts; and 70,000*l.* were expended on the military stations; these two sums, therefore, were required for imperial purposes, and it was proper that this country should pay them. Of the remaining 130,000*l.*, 11,000*l.* were paid to the North American clergy—that charge will cease with the lives of the present clergy; 14,000*l.* were paid in the shape of presents to the Indian tribes in Canada; about 80,000*l.* were spent in the West Indies in salaries to clergymen, stipendiary magistrates, and governors; and, lastly, about 20,000*l.* were spent in New Zealand. It appears to me that the whole of this sum of 130,000*l.* ought, according to my principles, to be ultimately saved, with the exception of the sum required for the salaries of colonial governors; for, in my opinion, as long as colonial governors are appointed by the imperial Government, they should be looked upon as imperial officers, and, therefore, their salaries should be paid by the united kingdoms.

In concluding my observations on our colonial expenditure, I must remark, that in every colony there are many persons who have a strong sinister interest in the amount of imperial expenditure. These persons have made, or expect to make, large gains by contracts, jobs, and by the innumerable other other modes of robbing the mother country. They rejoice on every increase of imperial expenditure. To them a Kaffir or a Maori war, or a rebellion, is a godsend. I have heard on good authority that in the Canadian rebellion the enormous gains of these persons were equal to the losses of the rest of the community, and that they have been heard to toast the good old times of that rebellion, and the speedy commencement of the next. Sir H. Smith has stated in one of his despatches that during the last Kaffir war many persons amassed large sums of money; that the consequences were a redundancy of money at the Cape of Good Hope, with general prosperity, and a tendency to over-speculation. I have heard similar statements with regard to New Zealand. And it is self-evident, that, with an imperial expenditure many times greater than the local revenues of a colony, there must be a fine harvest for the jobbing and peculating tribe, and that noxious race must flourish and multiply. To this class, and it is not an uninfluential one in our modern colonies, any proposal for a reduction of imperial expenditure, is in the highest degree distasteful. Corrupted by that expenditure, they have not the feelings of self-reliance and self-respect, which, according to the just remark of Lord Grey, our old colonies displayed in their conflicts with the Indians, and even with the might of France. Many of these unworthy Anglo-Saxons would, in their hearts, prefer Colonial Office despotism, with huge imperial expenditure, to the freest institutions with imperial economy. We are to blame for this degeneracy, which every high-minded and every right-minded colonist deplores. We are to blame for having departed from our old colonial polity, and demoralised our colonial children by our waste and extravagance. The sooner we return to the old polity the better for them morally, for us pecuniarily; their character will be elevated and ennobled by becoming self-reliant, and obtaining self-government; and our money will be saved by bestowing upon them the freest institutions, and strictly enforcing the maxim—no imperial expenditure for local purposes. That maxim is the sum and substance of my first resolution. These resolutions express my idea of the true colonial policy of Great Britain, which is self-government for true colonies, and no imperial expenditure except for military stations. With that policy the more true colonies we have, and the fewer military stations we have need of, the richer and more powerful the British empire will be. I move these Resolutions in no hostile spirit to the Government, but, on the contrary, to encourage them to pursue boldly and vigorously the policy which they have commenced on the continent of Australia. I ask them to assent to this Motion. I ask all hon. Members to support it who wish to reduce the national expenditure; for if there be any portion of that expenditure in which a considerable reduction can be made without injury to the empire, that portion is our colonial expenditure; and that expenditure can only be reduced by acting in conformity with the principles contained in the Resolutions which I now beg leave to move.

Motion made, and Question proposed—

"1. That it is the opinion of this House, that steps should be taken to relieve this Country, as speedily as possible, from its present Civil and Military Expenditure on account of the Colonies, with the exception of its expenditure on account of Military Stations or Convict Settlements.

"2. That it is expedient at the same time to give to the inhabitants of the Colonies which are neither Military Stations nor Convict Settlements ample powers for their local self-government, and to free them from that Imperial interference with their affairs which is inseparable from their present military occupation."

MR. URQUHART seconded the Motion. Although he had a Motion on the paper of very great importance, he was glad he had given way to the hon. Baronet, who, by the proposition which he had submitted to the House, had struck a blow at departmental government in this country; and if he did not succeed in obtaining a vote in his favour from the House, he had, at all events, prepared the feeling of the country upon the subject, which would in a very short time compel hon. Members to accept his proposition as the only means of retaining the favour of their constituents. The hon. Baronet had excluded from his scheme our military and convict stations; but he (Mr. Urquhart) considered these most important items, when discussing the question of our military and colonial expenditure. England, in her proud position as leader of the opinion of the world, and in the inviolable position which she maintained, ought to show the first example of disarmament. Europe was groaning under the load of establishments. All the evils of war were permanently inflicted upon the people by the very means which they were taking to preserve peace and prevent war. Before this mania had taken root, one of the ablest constitutional philosophers, Montesquieu, had prognosticated its result: he said that every State in Europe would sink beneath the weight of its own establishments. The best support which he (Mr. Urquhart) could give to this Motion would be to offer one or two considerations which went beyond it. The hon. Baronet stated that the strength of the country abroad depended upon the judiciousness of the selection of its military and naval establishments, and he laid down certain maxims by which their choice should be guided. They were to be in places of general resort, to be easy of defence, to be capable of furnishing accommodation to our fleets, as well as points of attack. The first of these places, he stated, as furnishing all these advantages, was Gibraltar. Now he (Mr. Urquhart) thought that this very colony afforded an opportunity of judging of the injudiciousness of the whole of their colonial arrangements, and the enormity of their expenditure without any reason. Gibraltar had cost this country a very large sum of money during the hundred and fifty years which they had held it—scarcely less than 250,000*l.* per annum; and if they were to estimate the expenditure they had already incurred, and add thereto the capital represented by the annual charge, they would have a sum of nearly 100,000,000*l.* That money was entirely thrown away. Instead of Gibraltar furnishing us with those requisites laid down as necessary for a military colony, it afforded us no place for defence for our fleet, scarcely any for its reparation, and none for its provision; besides, it did not afford the means of attacking an enemy. Instead of being the key of the Mediterranean sea, and preventing it from becoming a French lake, and giving them a security over Spain, it rendered Spain the natural and inevitable enemy of England, whenever Spain was not in the necessity of falling back upon England by reason of hostility elsewhere. Gibraltar gave us no more the command of the Mediterranean, because it was placed at its entrance, than it gave us the command of the Atlantic by being placed upon its side. Napoleon said—"Gibraltar opens nothing, shuts nothing, and secures to France the undying hatred of Spain towards England." And this was the place upon which they were prepared to squander the eighth part of the national debt, instead of placing it in Schedule A, and which was considered so valuable that a reforming Member did not propose to touch it. He thought that no stronger case could be made out for inquiry than that which Gibraltar afforded. Gibraltar had no port to receive their ships. It was exposed to the batteries of Spain, and in case of war, they would have either to withdraw their vessels or sink them. In the last war, when Gibraltar was the scene of it, we had to withdraw our vessels from that place, there being no means there of protecting them. In the report of the Committee upon the civil and ordnance expenditure, the baking establishment appeared to have been repeatedly called on for sudden exertions to supply bread and biscuits; and there they had the revelations of the apprehensions of the Government, which were veiled in that House under a placid veil of unbroken security. Fourteen times in fourteen years the baker of the Government had been in hurry and alarm; in fourteen years we had had fourteen panics from dread of war, or insurrection in our colonies. One of these fears Gibraltar had brought upon us, showing another danger connected with colonial mismanagement, and that was by allowing the intermeddling of the Foreign department. In 1844 the bread and biscuit were required through apprehension of a war with France, produced solely by the interference of the Governor of Gibraltar in the affairs of Morocco. This post furnished the point of junction of the two evil systems, and the virus of the Foreign department was infused into that of the Colonial. He (Mr. Urquhart) then entered into the internal administration of the place, showing that faith had been broken with the merchants, on the plea of making it an exclusively military establishment; he then proceeded to Malta, which, he admitted, seemed formed by nature for possession by such a naval Power as that of Britain. But there also the maleficent influence of the Foreign department was visible. After having excited all Italy to revolution, the chief governor, Mr. More O'Ferrall, denied all hospitality to the refugees who sought safety upon those shores. Go further, and look at the Ionian islands, and there also they would find the evils of one department interwoven with the other. They had their Governor throwing out visionary schemes, and these schemes were to assail the integrity of an empire which it had been their firmest policy to sustain. In fact, Malta and the Ionian islands had been allowed to become the *foci* of all the discontent of the South of Europe. When it was imagined that our colonial empire could not exist without a colonial department, his answer was, that the colonial department did not make the empire of Great Britain, and that the history of the progress of that department was in the inverse ratio to our colonial empire. The colonies grew under the system of free institutions, with the responsibility and burdens of their own government when left entirely to themselves. This Motion for economising the money of the country would, if carried, also economise the affections and loyalty of their colonial subjects, and would prevent the colonies from becoming the subordinate instruments of the Foreign department. He wondered that the noble Lord at the head of the Government whose past career had been spent in the correction of abuses, could not find a greater glory in putting an end to this system, which balanced the empire with despotism on one side and insurrection on the other, than in putting down a few rotten boroughs, which had furnished that House with some of their greatest lights and noblest ornaments. Of one thing, however, he was certain, namely, that if the Parliament did not put down the Colonial department, the Colonial department would put down the colonial empire of Great Britain.

MR. HAWES said, he must request the indulgence of the House while he endeavoured to offer some reply to the able and eloquent speech of his hon. Friend the Member for Southwark—a speech which exhibited the usual ability and research of the hon. Baronet—and replete as it was with details of great interest and importance. Such a speech deserved the attention of the House, and he could assure his hon. Friend that he (Mr. Hawes) had listened to the whole of it with the deepest interest. It was impossible for him altogether to dissent from many of the arguments of the hon. Baronet with reference to our colonial Government; but, on the other hand, he was bound to say that, looking at the speech rather as indicating the policy which his hon. Friend desired this country to adopt, than at the Motion which it introduced, he was compelled to say that he thought such a policy as he indicated would be deeply injurious to this country, would endanger its best interests, and impair one of the noblest privileges it ever was the good fortune of a country to possess, that of directing the policy and advancing the prosperity of our present colonial empire. The hon. Baronet had based nearly all his arguments upon pecuniary considerations. Having ascertained what were the convict stations and the military stations, which he altogether excluded from his observations on the present occasion, the hon. Baronet had advised the House deliberately to abandon those Colonies which we now possess in which there were military establishments, and upon which there was any military expenditure; for the withdrawal of our troops was a practical declaration of such a policy. Now, was the House prepared to take such a step as that? And upon what grounds did the hon. Baronet rest the policy which he recommended the House to adopt? He (Mr. Hawes) would again repeat that he could discover none beyond those which were of a pecuniary character; and even upon these grounds he (Mr. Hawes) could not assent to the conclusions to which the hon. Baronet had come. It might be that we were too poor to hold our own, and that we had fallen from our high estate; but this he must say, that the voluntary abandonment of such an empire as was our colonial empire, consisting of such vast possessions, so fertile, so various in its resources, and affording such a multitude of friendly ports in every quarter of the globe—the voluntary abandonment of such an empire as that, would be a sacrifice unparalleled in the history of the world. The hon. Baronet had gone at considerable length into the system of our colonial expenditure. He (Mr. Hawes) did not believe that the items now referred to by the hon. Baronet were the same as those he had referred to on a former occasion. Perhaps the hon. Baronet, on inquiry, had found that his former calculations of expenditure required to be materially amended; and the observation justified him (Mr. Hawes) in saying that it was impossible to make an off-hand reply to details of the description stated that evening by the hon. Baronet. Before we could arrive at anything like a correct result of our colonial expenditure, it would be necessary to examine it carefully. He had ventured, he believed, on a former occasion, to express his opinion that the hon. Baronet had greatly overstated it. Professedly he now excluded our military and convict stations; but it was not always quite easy to draw a distinction. Take the Cape, for instance; it was a military station of the highest importance to our colonial empire; and Mauritius, which was valuable in a military point of view, from its proximity to our possessions in India, and its command of the Indian seas; but it was also most valuable for its trade, seeing that it exported to this country 60,000 or 70,000 tons of sugar annually. For these reasons he did not think that the distinction drawn between military stations and other colonies had been clearly made out. Then, as to the expense. His hon. Friend the Member for Northampton had obtained a return of the gross military expenditure of our colonies for five years, on dividing which it would be found that the annual expense was 1,948,471*l*. Well, following the course of the hon. Baronet, he might deduct from that the cost of our military stations, because the hon. Baronet did not propose now to reduce our expenditure in these possessions. He wished to guard himself from being supposed to defend our present establishments, or to say that they were incapable of being reduced. It was sufficient for him, for the purpose of meeting the arguments which the hon. Baronet had advanced that evening, to assume that the present military expenditure was such as was necessary for the preservation of our empire at large. It might be capable of reduction. He hoped it might; and, therefore, he begged again not to be understood as saying that it was incapable of reduction, or to defend in all cases the existing establishments. In fact, the papers he had laid upon the table of the House the day before showed that a very considerable reduction might probably be effected in the colonies of North America. The cost of our military stations was 502,000*l.*, and of the military cost of our convict establishments 71,000*l.*; which, deducted from the gross sum referred to, gave about the sum over which the hon. Baronet proposed to exercise control. The hon. Baronet had implied that the decisive course of policy which he wished to see adopted, should be adopted as speedily as possible; and if his Motion were carried, the Government would feel themselves bound at once to commence making reductions. Now, let him call the attention of the House for a moment to those Colonies which, not being military or convict stations, would undoubtedly, according to the proposal of his hon. Friend, have to be altogether abandoned by this country. The words of the Motion were very clear and explicit, as follows:—

> "That it is the opinion of this House that steps should be taken to relieve this country, as speedily as possible, from its present civil and military expenditure on account of the Colonies, with the exception of its expenditure on account of military stations or convict settlements. That it is expedient at the same time to give to the inhabitants of the Colonies, which are neither military stations nor convict settlements, ample powers for their local self-government, and to free them from that imperial interference with their affairs which is inseparable from their present military occupation."

It followed, he thought, that all those Colonies which were not convict or military stations, and which now had any portion of the forces of the empire within their boundaries, would have to be abandoned by this country, for he could not but regard the entire withdrawal of the military as the future abandonment of these colonies. Let the House contemplate that proposal. He thought his hon. Friend had been led, in the course of his speech, to dwell too much on details, and that he had been prevented from giving a due attention to the consequences of the policy he had recommended to the consideration of the House. It was his (Mr. Hawes's) duty to endeavour to show that the consequences of adopting the policy indicated by the hon. Baronet's Motion, would be such as, he thought, would appal the country. What were the Colonies we should have to abandon? He must call it abandonment; because, if they were to have local self-government, and to be freed from imperial interference, it would amount to separation from the mother country—no other tie would be left beyond that of our commercial intercourse with them. Another Power might then bid for them, we not thinking it expedient to pay the necessary price; and, therefore, the result of the hon. Gentleman's policy would undoubtedly be—and it was no exaggeration to say so—the abandonment of by far the greater portion of our colonial empire. He believed that neither the statesmen nor the merchants or traders of this country were prepared to take such a step as that. Why, it was only that very day that the noble Lord at the head of the Government had presented a petition from almost every merchant connected with the Cape of Good Hope, praying for the assistance of this country in the war in which the military there were engaged with the Kaffirs. If the requested aid were not afforded, that colony would soon offer itself to the protection of any strong Power which might propose the most favourable terms; and no doubt that would be the case in every instance in which the peace of every other British colony was disturbed. Must we surrender our West India Colonies? Jamaica, Trinidad, and Barbadoes, and the West India Islands? Must we surrender Australia and New Zealand? Were all these Colonies to be left to float on the world, for any Power strong enough and willing to take them? And there were Powers possessing the pecuniary means that would covet them, and no long period would elapse before they passed into possession of some other empire. If he made the necessary deductions from the sum he had stated as the total cost of our military expenditure—if even he added a large sum for extraordinary expenses—which the hon. Baronet had referred to, and if he included the estimates voted every year in that House, he made the total sum we expended on the civil and military government of our colonies, 2,328,000*l.*; and then, deducting the convict and military stations from that, he found that the sum which the hon. Baronet would strike out was 1,697,000*l.* The hon. Baronet had referred to our naval expenditure. [Sir W. MOLESWORTH: No!] He hoped that, as that point had been omitted in the speech on the present occasion, the hon. Baronet agreed with him that the naval expenditure of this country was not to be considered as simply colonial. He was aware that high authorities had stated that our naval expenditure was justified by reason of the extent of our colonial dominions. The colonial empire furnished one large portion of the trade and commerce of England; and our naval force was used, not for this or that colonial purpose, not certainly for any internal colonial purpose, but it was used, and used exclusively, for the general security of the empire and of its commerce. But the hon. Baronet went on to say—and to this he (Mr. Hawes) wished to call the special attention of the House—that if we granted the colonies local self-government, and freed them from imperial control, we might then safely withdraw our military forces, for that then the colonies would themselves undertake their own defence, and that that defence might be safely left in their own hands. Now he (Mr. Hawes) altogether dissented from that view. He did not see the connexion between the concession of local self-government, and freedom from imperial control, and the withdrawal of our military force. He could point to instances in which the largest powers of self-government were possessed by a colony, and yet in which there was a large military force; and he could also point to a colony governed, as it was called, by the Colonial Office, and in which there was a small force. Let him take the case of Jamaica. Jamaica enjoyed the fullest powers of self-government, and yet it had a force of 1,400 men. Trinidad had no such powers, and yet it had a force of only 400 men. Now, if local self-government constituted a ground for withdrawing military force from a colony, Jamaica ought to have no force at all. But the fact was, there was no connexion between local self-government and freedom from imperial control, and the absence of a military force, for any hon. Member might run through the colonies and see at once that in colonies possessing full powers of local self-government there was a large force, and in others possessing no powers of self-government whatever there was a small one. Nova Scotia and New Brunswick were instances in point. Nova Scotia had local self-government, but a large force was stationed there — New Brunswick had also local self-government, but a very small military force. Let New Zealand be compared with South Australia. In the former there was a force of only 1,500 men; in South Australia there were but about sixty soldiers. Both were without local self-government at the present moment. The inference, therefore, was, that the presence of an armed force in a colony was altogether distinct and separate from any amount of self-government. He questioned, then, whether the mother country would save much by adopting the course his hon. Friend had suggested. For, what did the hon. Baronet propose? He said—"Take the case of the Cape; grant them local self-government; do not interfere with them; and, if a war break out, give them a large sum of money." [Sir W. MOLESWORTH: No; not at all.] He did not wish to misrepresent, but he certainly thought the hon. Baronet seemed to anticipate a contingency in which we could not shake off our connexion with the colonies, in which we could not separate our commercial interests, and the interests of British subjects here, from British subjects in the colonies; and that if we pursued the course he recommended, the time would come when we should have to answer the question whether we would assist them or not in the difficulties in which they were placed; and he believed—and in which he thought the hon. Baronet concurred—that in such a case the House would be inclined to assist them. Now, supposing for a moment that the course recommended by the hon. Baronet were adopted, what would result? Of course, it was assumed that then our intercourse with the colonies would be as large and as beneficial as it was at present; but, in assuming that, he must be permitted to say that the hon. Baronet had altogether entered the region of speculation and conjecture, and had thrown over the light of experience. For, what was our experience of colonies which were once under the British Crown, and were now free? Take the United States of America. Every British merchant trading with the United States had to encounter a protective tariff of 25 per cent; whereas our colonial possessions offered a friendly port in every quarter of the globe, with a tariff based on fair and equal principles as regarded colony and colony and the mother country. Now, this was a very important consideration, because, in the altered state of circumstances proposed by the hon. Baronet, the colonies would probably alter their policy in respect to our commerce; and our trade with many of the colonies might, to some extent, be interfered with. We should either have a diminished trade with them, or there would be increased taxation imposed in the colony for the protection of some local interests; and hence diminished consumption and trade, even though we might get rid of the expenditure which it was the object of the hon. Baronet to reduce. But it was not on these grounds alone that he was induced to oppose the Motion. And here he might be permitted perhaps to notice what had been said about the Cape of Good Hope. When we took possession of that colony it consisted of several races, and it extended 400 miles inland; and we took it with the obligation, which we could not shake off, to protect that population. As little could we shake off from ourselves the obligation to protect the coloured population in our other Colonies. Well, we had taken possession of this colony, and largely introduced emigrants into it. The white population bore a very small proportion to the coloured population; under such circumstances, we could not withdraw the imperial control without perilling the internal peace and welfare of the colony; and his observations applied not only to the Cape of Good Hope, but to every other colony where there was a large population of coloured and native races compared with the white population. He considered, therefore, that the Cape of Good Hope did not afford an instance in which we could throw off the obligation we had contracted when we took possession of the colony. He would now refer to the observations upon our frontier policy at the Cape of Good Hope. Perhaps the hon. Baronet would allow him to ask what he understood to be the frontier policy? On that point the hon. Baronet had been significantly silent, and he was not surprised at that, because the case was one of extreme difficulty; and especially as we could not throw off the obligations we had contracted when we took possession of the colony, he thought the hon. Baronet pursued a discreet course in saying nothing on this subject. But the hon. Baronet cast considerable ridicule on what he described as the extension of our empire in South Africa — an extension to which Her Majesty's Government was as much opposed as the hon. Baronet. Now, it was important to know what had been the recommendations of preceding governors at the Cape. Not a single governor of eminence did he (Mr. Hawes) know who ruled over the Cape Colony who did not recommend comprehensively or in detail the policy which had been pursued by Sir Harry Smith. It was the policy recommended by Sir Benjamin d'Urban, and all succeeding governors. He was quite ready to admit that if a sudden outbreak, on the part of an uncivilised population was deemed to prove the failure of a policy, of course at any one moment that or any policy might fail; but he denied that would be a just or proper conclusion. Having stated that when we took possession of the Cape of Good Hope we became possessed of a large tract of land, extending 400 miles inland, he would recall their attention to the fact, that in 1820 the House voted a large sum of money in order to send out emigrants to cultivate the colony; and among those who were most prominent in recommending that measure to the attention of the House, was the hon. Member for Montrose, who only regretted that the Government had not gone further and increased the number. Well, we planted men on the frontier of the colony, and we thereby incurred an obligation to protect them. When the Dutch had the colony, and some time afterwards, the frontier policy pursued, was this — that the Dutch residents on the frontier were allowed to call out a militia whenever they pleased, declare war at their pleasure, and exercise all the rights of war, however bloody might be the transactions in which it involved them. That was the system which they adopted in defence of the frontier, and that was the system which England indignantly rejected, and said she would not permit to exist a moment longer. We then resorted to another course, and determined that a military force should take the place of these volunteers, that the frontier should be extended to the Great Fish River, and that the area thus included should be considered a neutral as it was a ceded territory. That was the policy substantially which Sir Benjamin d'Urban, Sir Henry Pottinger, and Sir Harry Smith, adopted and recommended;—and when he mentioned the name of Sir Henry Pottinger, he could not help saying that he was a most invaluable governor during the short time he stayed at the Cape, and it was to be deeply regretted that he stayed so short a time, because he exposed many abuses in the administration, and his authority was deservedly high on every question connected with the native tribes and population. It was thought necessary now that British Kaffraria should be placed under British authority, and as far as practicable without interfering with the power, or even the prejudices, of the native population, but in order that there might be an armed power on the spot to keep the peace, decide disputes, and prevent that invasion of the colony which led to such destruction and bloodshed on many former occasions; and any one who had read the accounts in the newspapers with regard to the disturbances in Kaffraria would have seen that the career of devastation might have been checked by that policy, had it not been for one unfortunate circumstance to which he would allude shortly. It had been said that the Governor was taken by surprise—that he had represented the colony to be in a most satisfactory state—and that Earl Grey had written back despatches congratulating him on the peace and prosperity which prevailed. Now, he did not deny that Sir Harry Smith and some of the remarkably able men who were under him — men well acquainted with the character of the Kaffirs—were not aware that they had collected arms and ammunition, and contemplated bloodshed, though he (Mr. Hawes) was not disposed to believe that they were as well organised as the accounts would lead them to think. But that the past policy pursued had not been wholly unsuccessful, was proved, as he had stated before, in the result, which was the prevention of those fierce irruptions into the colony, with the consequent great loss of life, which had attended every Kaffir outbreak hitherto. His hon. Friend had read a despatch, dated the 20th of December, from Sir Harry Smith to Earl Grey; but there was one paragraph in it which he had altogether overlooked. He (Mr. Hawes) did not accuse his hon. Friend of intentionally misleading the House; but it certainly was surprising, considering the inferences which he attempted to draw from the whole despatch, that so particular a portion of it, the effect of which was entirely to contradict the general assertions of his hon. Friend, should have been overlooked. This paragraph was to be found at page 64, paragraph 6, and was written just before the outbreak. It was as follows:—

> "Notwithstanding, however, these pacific demonstrations and professions, I shall retain the troops for a time in their present position, in order that I may institute a searching inquiry, and until I am most fully satisfied that their removal is consistent with the general security and safety of the colony."

Now, these words were altogether inconsistent with the statement that Sir H. Smith believed that peace was established, because he said, though he believed there was tranquillity, he would maintain the troops in their present position. That did not seem like the act of an over-sanguine man. Now, the interviews with Sir Harry Smith and the Kaffirs had been alluded to; and the House would perhaps here permit him to say, that he did not think it was fair to cast ridicule on the acts of an absent officer and Governor. He did not wish to blame his hon. Friend for anything he had said; but he could assure him that what was said in that House had a considerable effect in the Colonies, and he thought that hon. Members ought to speak on these subjects with a deeper sense than they generally evidenced of the responsibility attaching to them. His hon. Friend had proceeded after this in his address to speak of Natal. He stated that we there came into dangerous contact with fierce and bloody tribes; and he drew an alarming picture of the possible consequences to this country. Well, no doubt they were a bold and warlike tribe in and about that colony; and at present—this was the result—that colony was warmly in favour of Sir H. Smith: and surely the report of 3,000 men marching from thence to assist Sir H. Smith, presented a most remarkable picture of what had been effected in the colony. The colony of Natal, indeed, with its 100,000 natives under British jurisdiction, presented an instance of what might be done by wise and judicious management. Already the natives of that colony were affording the best possible demonstration of their appreciation of the arts of civilisation; and as one proof of their subjection to the Government, they paid their taxes readily, and he called the attention of his hon. Friend behind him to the circumstance that they were in favour of direct taxation, and actually paid a house tax, from which it would appear a fair revenue might be hoped for. His hon. Friend had also dilated upon the dangers which attended us at the Orange River settlements; and he stated that the Boers had been driven to form a settlement there, by being constantly oppressed and persecuted by the Colonial Office. [Sir W. Molesworth: No, no!] His hon. Friend had, at any rate, represented these people as being the victims of oppression. This meant, then, the oppression of the colonial authorities; and of course, therefore, was a charge indirectly against the Colonial Office. For once, he (Mr. Hawes) would take the whole blame on the Colonial Office. The representation was, that these Boers were constantly being driven from place to place; and that they had no sooner settled down in one spot, than the English Government arrived and drove them still farther into the country. Now, the Boers, or Dutch farmers of the Cape, were a very remarkable body of men; and very peculiar circumstances had first alienated them from British jurisdiction. Originally they had the power in their own hands of organising the militia and making war. That was put an end to, and that gave rise to great dissatisfaction. Another of their complaints was with regard to the abolition of slavery. They contended that the compensation awarded to them had not been adequate, and that, generally, it was impossible for them to carry on agriculture without slaves. These were the two great causes which had alienated the Boers from the Government of the colony, and led them to emigrate to distant lands; and he utterly denied, therefore, that the Colonial Office had anything to do with that extraordinary movement of that extraordinary people. But they had now, in the Orange River sovereignty, a most economical Government; dependent far more upon the consent of the population than upon British force; and wherever this system had been introduced, and carried out wisely, it had always been successful, and ended in peace, security, and comparative tranquillity. It was so found in Natal, and amongst tribes under and contiguous to British dominion on the west coast of Africa. Well, they might talk of extension of territory, and say that it led the country into war and extravagant expenditure; but that was not the opinion of Sir B. d'Urban. That officer said, he proposed to extend the territorial jurisdiction of the Government, believing that thereon depended the security and peace of the colony; that, if they reversed his policy, they would soon have another Kaffir war; and his policy consisted in this, that they should defend the frontier—beyond the frontier taking proper military precautions to prevent masses of savage men rushing into the colony. There was one observation of the hon. Baronet which he thought ought to be cleared up. He had said that the coloured race at the Cape were disaffected and indifferent as to the maintenance of the Government. Now the hon. Baronet, he considered, had overlooked some most material facts. His remarks might have applied to some particular districts, and to some only; but if he had looked at the papers which were now in the hands of Members, he would have seen the extreme readiness, alacrity, and zeal with which a large voluntary force of between 1,200 and 1,600 men left Cape Town, at the very first moment they were wanted, to assist Sir H. Smith. It was quite true, unhappily, that some had shown a degree of indifference in this emergency; but this was very much owing to the agitation which had attended the convict question. He talked about the "proper indignation" of the people at the Cape, and about the "public spirit" with which they had resisted the attempts of the Government to make the Cape a penal colony. Now, the fact was, that there was not a man in the colony who did not know, from the very first, that there never had been the slightest intention to make the Cape a convict colony. There never had been a shadow of ground for such a belief; and nothing ever said or written from the Colonial Office had ever justified the statement that such a project had been entertained. The agitation was got up to obtain, certainly a false, but a cheap patriotism; and he thought that those who had taken the lead in that agitation would now lament the countenance they had unwisely lent it, on seeing the course pursued by the men whom they had taught to despise the authority and to shake the power of the Government, and who now, that the colony was in danger, refused to assist the authorities, and thus weakened the power of the Government in repelling the recent invasion of the Kaffirs. He had now gone through the points adverted to in the speech of his hon. Friend. Looking at that proposition as a whole, he could only consider it as amounting to this—that, for the sake of saving 1,200,000*l.* or 1,600,000*l.* a year, we should surrender our great colonial empire. His hon. Friend would repudiate that idea; but he would forgive him (Mr. Hawes) for insisting that there was no other legitimate conclusion from his arguments. The question, plainly put, was, whether or not this colonial empire was worth the 1,200,000*l.* a year. His hon. Friend referred the House to our exports, amounting annually to 60,000,000*l.*; and, on a former occasion, his hon. Friend had estimated that we had to pay nine shillings to the Colonies out of every pound sterling of our exports of British and Irish produce and manufactures. But this was altogether unfair. Our exports merely did not represent our entire colonial trade. The hon. Baronet had not taken into account the shipping, and had altogether left out of his calculation the accumulated profit and capital involved in the retention of our colonies. Still more strangely and unfairly the hon. Baronet had omitted to estimate the value of the intercolonial trade. To give the House a simple illustration of the false view which his hon. Friend took on this subject: If he took the expenditure, for instance, of the Great Western Railway, or the London and North-Western Railway, and found what that was so much per ton on goods sent from Euston Square or Paddington, if he took no notice of the tonnage which might come on to the line at other stations and termini, he should state a case precisely similar to that which the hon. Baronet had stated with regard to the colonial exports. It would show a charge upon this portion of the traffic ruinous to traders. Just so this charge of our whole colonial expenditure upon the value of British and Irish manufactures exported, upon a part only of our trade, led to an equally ruinous conclusion. That was precisely a case in point. He had now endeavoured to meet the leading and most prominent arguments put forth by his hon. Friend; and he could not help believing that the House was not prepared to follow the course of policy which he indicated. It was quite true, that with many of his observations he most entirely concurred. To what his hon. Friend urged in respect to economy, no objection whatever could be taken. The present Government, perfectly alive to the importance of this point, had reduced the colonial expenditure to the utmost possible extent; and this would be clearly made out by an examination of the papers recently in the hands of hon. Members. He could show the House, by a reference to these papers, that they had gradually reduced the estimates voted by the House, from the sum, if he recollected right, when they first came into office, of 226,000*l.*, to an annual vote of 180,000*l.* This proved that there was no want of vigilance. Earl Grey had made a reduction in the troops at New South Wales; and it would be seen from the papers that it was his intention to make a further reduction; and he could assure his hon. Friend, that, if a reasonable and practical reduction could be made, none would be more anxious to make it than Earl Grey. No one could more zealously watch over every branch of his Department, be more desirous of effecting a sound and wise economy, or be more anxious, vigilant, or able in regard to the great duties which were intrusted to him. He did trust that the House would not follow the views of the hon. Baronet. This was a very important occasion—it was one which should not be lost sight of, in order that the real and true value of the colonial empire we possess might not be overlooked. At the same time that he concurred with his hon. Friend in much that he had said—whilst he thanked him for the general spirit, tone, and moderation of his observations, and the kindness and candour with which he had spoken on subjects hitherto treated in a different way—he yet felt it his duty to move, on this occasion, the previous question, by way of Amendment to the Motion before the House. That was the only way in which he could show him that his Motion was met in a similar spirit, and would show that the Government were not indifferent to his recommendations or his suggestions; and, above all, that they were not indifferent to the reduction of the naval and military establishments of our Colonies.

Whereupon the previous Question was proposed, "That that Question be now put."

MR. ADDERLEY said that, in addressing himself to the question before the House, he would not be led away to other matters, though he must say that the hon. Gentleman who had just sat down had made a wonderful assertion about the late anti-convict struggle at the Cape—throwing all the blame of the irritation and disturbance caused by that question upon the colonists, and totally exonerating the Government. He was strongly tempted to make some reply; but at the present moment he would refrain, and confine himself strictly to the question that was before the House. The Motion of the hon. Baronet the Member for Southwark might indeed be greatly enforced, and had, he thought, been unanswerably illustrated, by the present circumstances of the Cape; yet there was a larger and more general question before them; and, therefore, he thought the question of the Cape might be reserved for the present, especially as the noble Lord at the head of the Government stood pledged to raise that question on a future occasion. The Motion before them was generally that the House should take immediate steps to reduce the civil and military expenditure of the Colonies, at the same time giving to the Colonies full powers of local self-government, that they might be able to protect themselves. The hon. Under Secretary for the Colonies met that proposition by saying that it was neither more nor less than a proposition for this country to abandon her Colonies. What he really fears is the abandonment of his colonial system, which abandonment is the only chance of retaining the colonies. The hon. Gentleman seemed to be quite staggered by the monstrosity of the proposition. Why, the hon. Gentleman must count upon none of them having read the papers which had been delivered to them that very morning. The Motion contemplated doing no more with the Colonies generally than the noble Lord himself proposed to do with Canada. What was the proposition—which he supposed had been a good deal quickened by the notice of the hon. Baronet appearing on the paper—what was the proposition submitted to Canada in a despatch of the noble Earl the Colonial Secretary, to the Earl of Elgin, dated so recently as the 14th of March last? It was that the troops should be withdrawn from Canada, leaving only a garrison in Quebec and Kingston; that the civil list, at the same time, should be handed over to the colonists; nothing, in fact, was left but the most miserable relics that this country could leave them—the wretched military pensioners. That was the plan which the noble Earl and the hon. Gentleman were about to carry out in the largest and most exposed of our colonies, and yet, with regard to other Colonies to which the proposition was far more specially applicable, the same proposition was said to be an abandonment of them. He could tell the hon. Gentleman that his policy was rapidly leading to the abandonment of the Colonies, while the hon. Baronet (Sir W. Molesworth) and those who supported him had suggested the surest policy of retaining them. The policy of the hon. Gentleman was a rotten policy—it was founded upon half-principles—it was a system of doing by halves what his (Mr. Adderley's) friends were for doing by wholes, so that the dangers might be met by boldly and firmly carrying out their principles. The hon. Gentleman went on to say that there was no connexion between local independent self-government and the reduction of military expenditure. Now on that point the hon. Gentleman was altogether at issue with his chief: the very reverse of that principle was laid down by Earl Grey in the strongest and broadest manner. In relation to New Zealand and to other Colonies, Earl Grey laid down, in one of his recent despatches, this broad principle—that whenever local government was given to a colony, then considerable retrenchments might be made in the civil, and still greater retrenchments in the military, expenditure. And yet the hon. Under Secretary said that there was no connexion whatever between Colonial self-government and imperial retrenchment. He, for one, could not understand on what ground the Government opposed the Motion of the hon. Baronet the Member for Southwark, for it seemed to him that the whole point had been conceded in Earl Grey's despatches to Canada, presented this morning, and the only complaint against them was, that, in agreeing in the principle of the hon. Baronet's Motion, they failed to carry it out in practice, except by such occasional dribblets and half measures. The noble Earl had admitted, in his despatches to all those Colonies to which the hon. Baronet's Motion applied, that they were in a state fit for self-government, and that self-government implied self-defence, but still it appeared there was in the Colonial Office a hankering after the old system of delay; so that the only difference between the supporters of this Motion and the Government was, that they proposed to do at once what the Government proposed to do gradually. Now let them consider the aspect which such a proposition presented to the House. It had two different aspects, one of which was that of a simple question of economy and retrenchment. He was afraid that in that respect it would find most favour in the eyes of the House. The other was in the larger aspect of their general colonial policy—this was the general question, and was entitled to the greatest consideration. As regarded the question of retrenchment, he must observe that it was a large question; that it lay at the bottom of every other measure of retrenchment; and that, in fact, no retrenchment could be carried without this. If, then, Her Majesty's Ministers opposed the Motion, it must be on better grounds than they had yet shown, for the *onus* of the proof lay upon them as to the necessity of maintaining the present rate of expenditure. He knew that, upon the ground of retrenchment, those hon. Gentlemen who formed what was called the economical section of the House, would be warm advocates for this proposition. From hon. Gentlemen on his (Mr. Adderley's) side of the House, he was not so sanguine of support; but he did count upon the assistance of those hon. Gentlemen who followed the right hon. Baronet the Member for Ripon (Sir J. Graham), as he knew that, but for peculiar circumstances, the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) intended to have given his able and eloquent advocacy to the principle though not to the terms of the Motion. With regard to those Members of the House who advocated the principle of protection, he confessed he was rather mortified to find so small a number of them supporting the hon. Member for Southwark; and if he could judge from the cheers of the party, he feared that their sympathies were more with the hon. Under Secretary than with the hon. Baronet. If those hon. Gentlemen did, however, oppose this Motion, he should tell them that the farmers of England would carefully scrutinise their motives. Those hon. Gentlemen had lately been telling their constituents that they feared protection could not be regained, and that they must look for compensation in obtaining a relief from their burdens. If, then, he could show them that their present colonial system entailed a heavy burden upon the country, without being of any benefit to the colonies, he would ask the farmers of England to consider whether those could be really their friends who, after telling them that protection could not be regained, did not exert themselves to obtain for them so legitimate a removal of their burdens. The question of retrenchment was one of immense importance to the country at the present moment. The country would not tolerate the present mischievous expenditure in overlaying the natural energies of the Colonies much longer. The consequence would be that, in some moment of indignation, they would not only throw off the burden of the expenditure, but with it they would cast away the Colonies themselves. The only way to meet that danger was, to look it calmly in the face now, and to deal with it on sound, broad, and generous principles; to lay down what had never been laid down yet—a definite policy for the government of our Colonies; and to deal with them in the very reverse spirit from that which had dictated the late statement of the noble Lord at the head of the Government with respect to the Kaffir war. The noble Lord, on being asked who was to pay the expenses of the Kaffir war, instead of boldly stating that this country must bear the expenditure, and the whole of the expenditure, gave an evasive answer, trusting to the chapter of accidents, and throwing the responsibility—which properly should rest upon the strong shoulders of the Government at home—upon the weaker shoulders of the Governor in the colony. The question of retrenchment was well illustrated by what had recently taken place in that House. They had been lately discussing the question as to the disposal of the last year's surplus, as if that were an existing sum, and not already in effect distributed among the Government contractors and members of the Commissariat on the banks of the river Keiskamma. The question had been supposed to be whether the surplus was to be divided among the inhabitants of the borough of Finsbury, or among the farmers of the country: some statesmen were with scrupulous honesty turning their attention to the national debt, and others were puzzling themselves with other modes of disposing of the unusual and precarious revenue surplus; but now it appeared that it would never be theirs to dispose of: every farthing of it must go to liquidate the claims of Government contractors and agents of the Commissariat, in South Africa; and every farthing of every other surplus that they might have for many many years to come would be similarly engulphed, for there would be no end of Kaffir wars and insurrections in the Colonies, so long as the present system was pursued. It was useless for them to husband the resources of the country while these quicksands existed on the confines of the empire, far out of their sight and beyond their control, which absorbed all their savings. What was the use of the hon. Member for Montrose looking after the pence night after night, when these colonial wars were constantly swallowing up millions of pounds? The financial discussion which was fixed for to-morrow was a positive waste of their time—it was to talk about the disposal of that which they would never have to dispose of. This was a consideration on which Englishmen were very sensitive, and rightly so. It was not so much the amount of money that constituted the grievance: it was that there was an annual expenditure caused by a particular department of the Government which was not under the control of that House. That was a state of things which was dangerous to the liberties of the country, and it was useless for them to discuss the disposal of the revenues while Ministers had the uncontrolled disposal of so large a portion of them. It would be much better for them to have back again the imposition of shipmoney, or benevolences, or any other of the tyrannical contrivances of former times, rather than maintain the semblance of control over the public purse, and have these untold sums drawn from their resources, by which they endured all the miseries of despotism, combined with all the troubles of democracy. Their money was taken from them day by day and year by year, while they foolishly troubled themselves as if they had the control of it themselves. He thought they might well adopt the language used by the Parliament of King Henry VIII. to Cardinal Wolsey, when he was sent to demand a loan or benevolence—"If our money is taken from us in this manner by commissions, then are we taxed like those in France, and this country will be bond, and not free." He had no sympathy whatever with those who grudged all expenditure whatever on the part of this country for the maintenance of her Colonies, as if they were useless and unprofitable. He thought that the men who argued in this way evinced a narrow policy and a degraded philosophy. He had no sympathy with those who could look calmly upon the disintegration of this great empire in the loss of its Colonies, and who looked upon this question as entirely a pecuniary one. He could not look with calmness upon the loss of any of our Colonies, nor had he any sympathy with those who, even from irritation at the policy of the Government, and the consequent disappointment of their own hopes, could look contented upon the chance of such a loss. He should like to quote upon this subject the words of Mr. Godley, in a letter to Mr. Gladstone. That gentleman feared the loss of our Colonies on two grounds—first, on the discontent of the Colonies and their growing consciousness of strength; and, second, on the fact that there was a party springing up in the country and in that House who contemplated with satisfaction the idea of the loss of the Colonies. He said—

> "When the Roman legions drew in their line from the Danube, it was not the loss of the province of Dacia, but the satisfaction of the Roman people, which constituted the evil omen of national decline."

And he went on to say—

> "With regard to the loss of our American Colonies, disastrous as that was, that we had lost less of prestige and of real strength in that unfortunate struggle, than if we had said, with the luxurious and effeminate Roman triumvir, We have lost a world, and feel content to lose it."

But this was not a question whether the country could bear the loss of a few millions a year. He believed the country would be willing to bear that loss if it was for the good of the Colonies themselves; but the truth was that the same expenditure which constituted such a burden upon the country, at the same time paralysed the Colonies, stunted their growth, and crippled their industry, so that it was not so much a question of economy, but the name of patriotism called upon them to object to the present system of expenditure. And if this policy was not only injurious to the colonists, but inhuman to the native tribes, and creative of endless rebellions, then not only patriotism but humanity called upon them to retrench an expenditure which produced such disastrous results. The abstract question of giving local self-government to the Colonies had long been argued in vain, and therefore he thought the hon. Baronet the Member for Southwark had done right in confining himself very much to the special illustration of that general question which related to our civil and military expenditure in the Colonies. Some hon. Gentlemen might think that this was an extraordinary occasion to call for reduction of colonial expenditure, at the very time that they were urging the Government to send an additional regiment to the Cape. But if hon. Members would look at the case, they would see that what on the surface appeared to be their weakness, was in reality the strength and soundness of their position. When was the proper time to enforce upon a spendthrift the necessity of looking into his affairs, and adopting a system of economy, but at the time when the bills of his extravagance were coming in? That was the time to tell him to pay his debts, but at the same time to be more economical in future. The only answer which the hon. Under Secretary had made, and the only answer he could make, was, that though the expenditure might be burdensome to this country, it was necessary to the colonists. The hon. Gentleman said they could not retain the Colonies without it. Now he (Mr. Adderley) would say that, burdensome as the expenditure was to this country, it was more hateful and injurious to the colonists themselves than to us. There was at that moment an association in the northern part of New Zealand, calling itself the Constitutional Association of New Zealand, and comprising amongst its members every householder in the province—an association which sat as a sort of Convention Parliament—side by side with the Legislative Council, and which most assuredly had the interests of the colony more at heart than the Governor and Council. That association lately stated, in an address to Earl Grey, that though his Lordship might deceive himself by thinking that they were so corrupt as to be bribed by a large Government expenditure from the mother country, or by the fortunes which individuals were making at the expense of the future prosperity of the colony, yet they hoped his Lordship would not take such a sordid view of their motives, because they were ready to abandon all these pecuniary advantages, in order to have a system of self-government fully established among themselves. Indeed, he might say that the worst part of this expenditure was its influence upon the colonists themselves. It corrupted the social system of the colony—produced a fictitious and rotten system, and, more than that, it bred the very wars, and created the rebellions, which were made the pretext for maintaining this expenditure. He appealed to the hon. Under Secretary, whether his own knowledge of the Colonies did not bear out these assertions? When a large body of individuals, civil and military, were sent out to the colony, who, after a period of idleness, expected to return to England, it was plain they must form a society about the Government House which would be injurious to the growth, the vigour, the intelligence, and the independence of the colony. The leading class of colonists unhappily were men who took no interest in the local affairs of the colony. They did not converse about its well-being: their interest and their conversation related to the politics of England alone, and they held themselves aloof from the local politics of the colony they were for the time residents in. It was not so that the new American territories were formed. The people there were wholly absorbed in the affairs of the colony. No one could read the *Life of Benjamin Franklin,* without seeing that the colonists in his youthful days did not talk of the affairs of England; they were occupied with meeting their own dangers from France and Spain, dangers from the Indian tribes, or with propositions for improving their country, or the cultivation of their lands; in fact, their own affairs formed the constant theme of their conversation. The consequence of our present colonial state of society was, that the leading merchants, the leading residents, leant upon the Goverment, to the serious injury of the colony itself. Those corresponded with the departments here, corresponding in the name of the colonists, but without consulting them. What were the results from such conditions and such elements of society as these? The most debasing and degraded democracy, to which the democracy of America was most aristocratic—a democracy degraded below anything ever heard of in the world, or anything that could have been conceived by the mind of man. Was that a dream of his, or a matter of imagination? He appealed to the hon. Gentleman (Mr. Hawes) whether the best test of the corruptive influences of the system was not to be found in the tone of the newspapers published in some of the Colonies, which were degraded by it? Were there in those newspapers any leading articles on foreign politics, on colonial politics, on literature, on religion? No; neither politics nor religion, not even the arts and sciences, occupied any place in their discussions. The price of wool, or the crumbs to be picked from the mother country's table, alone found a place there. And then this country turned round upon the colonies and took advantage of its own wrong, and refused them self-government, because there were no men fit to legislate. This country first degraded them, and then told them they were unfit for representative constitution. How long had it been thought that England's colonies could not furnish statesmen? The English Colonies had produced such men as Washington, and Hamilton, and Madison, and Jay. But the main influence of the system on which they now depended for retaining the Colonies was, as he had already stated, to corrupt and debase them. It was too much for human nature to suppose that the Governors were not corrupted in the same way. They could carry out their own views and policy—their own whims and conceits—by the physical force of a distant and superior Power. It was a position of temptation greater than human nature could resist. The Governor in our Colonies had too much power, and not only that, but a power of a most injurious description, unchecked by the people about him, and positively pandering to the worst passions of the community to meet the necessities of his own position. He need not say that the present colonial policy was creating a system of jobbing and trafficking in the colonial expenditure. He need not repeat that, after the ample testimony of Sir H. Pottinger quoted in this debate; but he would show how this expenditure was creating a fictitious system of political economy there. What were the revenues of the Colonies? The blue books stated that this colony and that colony were flourishing, because the revenue was 100,000*l.* a year. And although hon. Members saw that the merely State expenditure was alone nearly equal to the revenue, they did not much mind that, if they saw also that the revenue kept up. But did it occur to hon. Members that the revenue was nothing more than itself an item of additional expenditure, raised by taxation on this very expenditure itself. The revenue, or the greater proportion of it, was nothing more than duties levied on the supplies of our own troops. Lord Torrington had most justly complained of the system in Ceylon accounts, of representing liabilities as assets; but that was the normal state of colonial accounts, and if the commerce of many colonies was reduced to zero, the revenue would still continue, and blue books would bring home flourishing accounts of the revenue arising from duties we pay on our own supplies to countries which had no commerce whatever. He considered that the system of paying the bishops in the Colonies, and of making a sham resemblance in the Colonies of the Church Establishment of this country, was putting the Church of England there in a position only offensive and injurious to its own interests, and equally injurious to the interests of the country. The Colonial Church was subject to all the disabilities inherent in the English Church Establishment, without any of its privileges; it was deprived of the means of self-action without any compensating power in the State, nor any claim on the sympathies or the support of the people; it was placed there as an alien thing, greatly injured by, though receiving little secure assistance from, the Imperial Legislature. Next, with reference to the military expenditure, the system was equally injurious to the colonies, as burdensome to us. It was the military expenditure itself which created and fomented rebellion, and thereby required the amount to be kept up and increased. When the Governor of a colony had a large military force at his disposal, he was very likely to make use of that force. It made the Government policy a military policy; and the possession of a large military force, especially in the hands of a military Governor, as all our Colonial Governors are, was altogether very likely to create its own employment. This circumstance had a double action—the military force not only led to its own use and increase, but actually created the occasion of its own employment. It not only did that, but this military occupancy, wherever there were natives, led to a system of policy highly injurious and dangerous—to a policy which was the cause of these wars. There were only two systems of policy with natives which could be successfully maintained. And here he must say, that although the noble Lord at the head of the Government interrupted the hon. Baronet the Member for Southwark on his alleging that Sir Harry Smith's policy was to destroy the authority of the chiefs, and said that it was quite the reverse, yet, upon consideration, he thought the noble Lord would see that he was wrong, and the hon. Baronet was right. There were only two modes of dealing with a native population: either, in the first place, by maintaining the authority of their chiefs and the integrity of their institutions; or, in the second place, by destroying the nationality of the tribes, and establishing our own power in its place. The second was efficient, if boldly carried out. It was not an English system, but a system pursued by France in Algeria, and he thought it was rather too late for England to take a lesson in colonising from France. [*Cries of* "Divide, divide!"] He would not enter into that difficult and intricate question at present, as the House seemed impatient; all he meant to say was, that either system with nations might be made to succeed. Lord Grey's treatment of them failed, because it faltered between the two; but he would wind up his observations by expressing his opinion that the reply of the hon. Under Secretary for the Colonies had nothing whatever to do with the question, which was not whether to abandon the colonies, but to relieve them of the fatal grip of our encumbering care, and to set them free from the weakness and disturbance of the perpetual pressure of civil and military pensioners of England, with England's purse to lavish on their corruption; and that it was desirable, in the words of the Resolution proposed by the hon. Baronet (Sir W. Molesworth), "that immediate steps should be taken to relieve this country as speedily as possible from the present Civil and Military Expenditure in all its Colonies."

MR. E. H. STANLEY: I rise for the purpose of assuring my hon. Friend who has just sat down, that, however little I may be disposed to agree in that very sweeping assertion which he made, when he told us that the administration of the Colonial Department united in itself all the miseries of despotism, with all the troubles of democracy, yet that I do fully concur in the belief expressed by him, that, among the ranks of what he has designated as the protectionist party, there will be found a few—I would rather change the phrase, and say that there will be found not a few—who are as decidedly and distinctly opposed to the Resolutions of the hon. Baronet the Member for Southwark, as my hon. Friend is strenuous in their support. In the very few and very brief observations which, at this period of the evening, and at this stage of the debate, I shall alone feel myself justified in submitting to the House, I have not the most remote intention of following the hon. Baronet through all that wide and almost boundless field of inquiry, embracing every conceivable subject of past, present, and future colonial policy, which he has opened to our examination. I shall not follow him into that vast variety of subjects, some of which he has fully, and some partially, treated; beginning with the number of our military establishments, and the comparative advantages and disadvantages of each for the purposes of war—touching upon the question of clergy reserves in Canada—investigating the causes and results of the Canadian rebellion—favouring us with his views respecting the abolition of the punishment of transportation—sketching the history of the native wars in New Zealand—and more than sketching the history of the Kaffir war of South Africa. I am sure the House will feel with me, that it is utterly impossible, and even were it possible that it is wholly undesirable, to enter at this time on so wide and complicated a discussion; and I shall therefore confine myself strictly to the terms of that Resolution which the hon. Baronet has laid before the House. The first part of that Resolution declares—

> "That it is the opinion of this House, that steps should be taken to relieve this Country, as speedily as possible, from its present Civil and Military Expenditure on account of the Colonies, with the exception of its expenditure on account of Military Stations or Convict Settlements."

Now, here the hon. Baronet does not profess to introduce a Motion tending merely to increased economy in the Colonial Department—he does not talk of diminishing the expenditure—nor does he suggest that any particular retrenchment should be made; but his Motion implies, if it implies anything, that this country ought, at the earliest possible opportunity, to be relieved, not in part merely, but altogether, from all civil and military expenditure on account of what the hon. Baronet designates as the Colonies properly so called. That is a point which I think it important to remark, because here the speech and the Resolution of the hon. Baronet are at variance one with the other. And, with regard to those military stations to which the hon. Baronet referred, I think there was a certain ambiguity of expression, of which the hon. Baronet himself appeared conscious. There can be no doubt but that certain of our colonial possessions are, in the fullest sense of the term, military stations. There can be no doubt on that subject in the case of such stations as Gibraltar, Malta, Bermuda—perhaps I may add Hong Kong; but surely we should be led into a gross fallacy if we were to consider as military stations those colonies, and those only, which are military stations exclusively. I cannot understand why, because a Colony possesses a certain value in an agricultural or commercial point of view, it should not be admitted at the same time to have some military importance also. Take the case of Canada. I do not think it is possible to entertain a doubt, but that, in the event—one which, I trust, may never occur—of a war between this country and the United States, the command of a frontier of 1,500 miles, being the only vulnerable point in the whole boundary line of the American Union, would be a very great military advantage. If that be the case, then Canada, although not exclusively a military possession, has, nevertheless, a certain military value; and, in regard of that value, it comes under that description of Colonies which the hon. Baronet's Resolution is so framed as to exclude. I go on to another instance. The hon. Baronet, as I understood him, admitted that Barbadoes was one of those Colonies which it might be expedient to retain as military posts; but he went on to say that, in the West Indian group there were other islands which were of no conceivable value in this respect; and he mentioned, by way of example, the island of Jamaica. Now, it so happens that, at this moment, Jamaica has a very distinct and peculiar military importance, which has been recognised, not by this country alone, but by the more impartial testimony of a Foreign Power, with regard to that which has now become, and which will become to a far greater degree, one of the chief commercial highways of the world—I mean the Isthmus of Panama. I know it to be a fact, that, when the question of the three routes between the Atlantic and Pacific Oceans, by Panama, by Nicaragua, and by Tehuantepec, was first brought under discussion in the United States, the Government of that country expressed themselves strongly in favour of adopting, if it were found practicable, the last of these routes, on the ground that the other two were entirely commanded and controlled by the greater proximity of Jamaica. I cannot, therefore, admit that all those Colonies which the hon. Baronet has so carefully included in his list, as not being military Colonies, have no military value or importance. And, with regard to Canada, how are you to disconnect and separate such military posts as Quebec, Halifax, and Kingston from the provinces in which they are situated? Are you to retain these fortresses—all of them among the principal towns in their respective provinces, one of them a capital town—under an imperial form of government, while you give different institutions and a different government to the provinces themselves? It appears to me, that you will find very considerable difficulty in taking such a course; yet that difficulty is one to which the attention of the hon. Baronet does not seem to have been directed. I shall now proceed to offer a few remarks upon the second Resolution, which is expressed in these words:—

> "That it is expedient at the same time to give to the inhabitants of the Colonies which are neither Military Stations nor Convict Settlements ample powers for their local self-government, and to free them from that Imperial interference with their affairs which is inseparable from their present military occupation."

When I read that Resolution first, I could not help thinking that it was more applicable to a Colonial Government such as that of Spain, than to our own. I could understand a Member of the Spanish Cortes holding such language in reference to Cuba or Porto Rico; but if the hon. Baronet, when he speaks of the Colonies of this country as being in a state of military occupation, means that they are so occupied with a view of keeping down their inhabitants by force of arms, with a view of establishing a military despotism, and of ruling by the sword, then I can only say, that the hon. Baronet knows much less of the practice than he does of the theory of our Colonial Government. What are the real facts? We have in British North America a population which, though not recently numbered, will probably, at the next census, fall little short of 2,000,000. The extent of country over which that population is seattered is 4,000,000 square miles of land. What is the military control over that population? I believe the number of troops has lately been reduced by Lord Grey; but, previous to that reduction, the formidable garrison which is to keep in check such a population, dispersed over such an area, consisted of 9,000 men, two-thirds of whom are solely and exclusively employed in garrisoning the fortresses to which I have alluded. Then there is the case of Jamaica. In Jamaica, with half-a-million of inhabitants, in a rugged and mountainous country, where I would defy any troops in the world to succeed in putting down insurrection, the armed force amounts to about two regiments, or 1,400 men. I think, Sir, I have said enough on this head; but there is yet another ground on which the hon. Baronet rests his Resolution. I understood the hon. Baronet to lay down broadly and distinctly this proposition—that Parliament was either unwilling or incompetent to legislate for the Colonies. Now, I am aware that that charge has been frequently brought forward—it has, indeed, become one of the commonplaces of colonial debates, to accuse the Legislature of this country of indifference to colonial affairs. Nor do I deny that, in days gone by, in days far removed from our own, perhaps in the time of the unreformed

Parliament, there may have been some ground for such an imputation. But is it so now? I have only to appeal to the personal experience of Members—I have only to appeal to the authentic record of our Debates, to furnish me with incontestable evidence that Parliament has not been neglectful of the concerns of the colonies. I had the curiosity to refer to that record; and I now hold in my hand a list of the colonial debates which have taken place since the commencement of the present Parliament. Within the last few years we have debated the affairs of New Zealand—we have had almost endless discussions on the sugar duties, and on the kindred subjects of West Indian distress; on that question a Committee was appointed to collect evidence, and the information thus obtained is more ample and more valuable than any which was previously possessed even by the colonists themselves. Then the cession of Vancouver's Island—the charter of the Hudson's Bay Company—the affairs of Guiana and Ceylon—the question of transportation to the Cape—the new constitution given to Australia—all, in their turn, have occupied a large share of the time and attention of this House; and I will venture to say that the debates which took place on those topics were as fully attended, and conducted with as much ability, as any which involved the consideration of our foreign or domestic affairs. But even this is not altogether a fair test; for in dealing with matters of foreign or home policy, we discuss every minute detail: while in the case of colonial affairs, the only power which the House habitually exercises, is that of a court of last resort—a court of appellate jurisdiction from the decisions of the colonial assemblies. Now, what will be the result of transferring all power over the colonies from Parliament to their own assemblies? Do what you will, the colonial legislatures must always be more or less democratic bodies; and considering the social condition of the colonies, I do not think that it is possible, and I do not say that, if possible, it would be wise, to make them other than they are. But I do say that, where you have adopted and sanctioned that democratic principle in the local governments, it is more than usually desirable to keep in your hands some control, some means of preventing party feeling from running too high (which it is always more apt to do in a small community than in a large one), and some power of granting redress to those who may, through the effect of that party-feeling have suffered injury. There are several circumstances which render the possession of such a check peculiarly desirable. In the first place, the population of a colony is necessarily fluctuating in amount; and, supposing one party to be in power at the present time, and to possess a permanent majority of the existing population, still at the end of five or ten years the influx of new inhabitants may be such as to cause power to pass from the hands of that party into those of their opponents. And next, I may remind the House of that which is so prominently put forward by Lord Durham, in his report upon Canada—the fact that the population of several of our colonies is not composed wholly of one race, but is heterogeneous, mixed up of various races, and those races for the most part bearing towards one another the very reverse of friendly feeling. I need not refer to the language of Lord Durham's report, in which he says, that he had expected to find a struggle of parties going on, but that in its stead he had found a war of races. I say that the apprehensions expressed in that report are not unfounded—that although an actual war of races may not arise, yet that there may arise differences which will lead to violence; differences which will make it most dangerous to give to one party uncontrolled authority over the other; to guard against which, it is absolutely necessary that Parliament should retain for itself the power of interfering in extreme cases. Again, Sir, I am at a loss to understand on what ground my hon. Friend beside me attributes to our system of colonial administration all the miseries of despotism, and all the troubles of democracy. [Mr. ADDERLEY: I did not speak of the colonial administration generally, but of the expenditure.] Well, the expenditure is surely a part of the colonial administration. My hon. Friend draws a distinction without a difference. But with respect to the administration of the colonies generally, I would, had I been so fortunate as to rise at an earlier period of the evening, have offered to the House a brief statement of the degree of prosperity enjoyed by those colonies, which my hon. Friend represents as utterly crushed and degraded by the operation of the present system. I shall not now take up the time of the House with statistical details. I have in my hand such details relative to all the colonies of the Australian group; but I shall cite only the single instance of

New South Wales. In 1828, the exports of New South Wales were of the value of 90,000*l.*; in 1848, they were of the value of 1,800,000*l.*; showing an increase of twenty times their original amount within as many years. The imports were in 1828, 178,000*l.*; in 1848, they had increased to 550,000*l.* Another and perhaps a still more conclusive test of prosperity is afforded by the comparative amount of population at each period. In 1828, it amounted only to 36,000*l.*; in 1848, it exceeded 220,000*l.* Nor is this an isolated case: similar statements may be made in reference to all the other Australian colonies; but with these I shall not now trouble the House; only observing that there is not one of them which does not go to prove that the progress of the colonial empire in that quarter has been as rapid, as steady, I might almost say as marvellous, as that of the American States along and beyond the Mississippi valley. Let me not, however, be misunderstood. I am not for a moment contending that all this prosperity is either directly or indirectly the work of Government: it is enough for my purpose to prove, as I hope I have done, that the government of the mother country has not prevented that prosperity; that under it the colonies have flourished; and that therefore it cannot merit the censure of my hon. Friend. It used to be argued in the days when the slave trade was still defended, and its abolition still discussed in this House, that a population which wasted away, and could only be kept up by being continually recruited from other countries, was proved by that circumstance to be in an unnatural state, and to be suffering under oppression and misgovernment. I think the argument was a fair one, and I think the converse is equally true: I think it may be contended that, where you find a population doubling itself in ten years, and exhibiting every outward sign of material and physical prosperity, there you may safely infer that there has been no very serious act of misgovernment. One exception I must make to what I have said respecting the prosperity of the colonies—I mean the case of the West Indies—and this exception I am the more anxious to make, because I am aware that, otherwise my present statements might seem inconsistent with those which I and which others have offered on the subject of those colonies. I am not about to justify the conduct of the Colonial Government towards them. I believe in the reality of the distress represented as there existing; I believe, also, that that distress was in great part the work of the Government, and that it arose out of the Act of 1846. But had the colonial policy recommended by the hon. Baronet been then in operation, the Act of 1846 would have equally passed; for, assuredly, commercial privileges granted to the produce of one country over that of another, form no part of the hon. Baronet's system. And looking back, not to 1846, but to 1833, I find good reason to believe, that the independence of the colonial legislature at that period, would have produced evils far more serious in their nature than even those of which we now complain. Knowing the feelings of the colonists on the subject of slavery—remembering in what temper and spirit every proposal for its abolition was met by them, I ask hon. Members whether they can believe that by an independent colonial legislature the Emancipation Act would ever have been passed? If, then, before the passing of that Act, Parliament had deprived itself of the right to interfere in colonial affairs, England would have incurred the deep and indelible disgrace of seeing her colonies nominally under her control, really dependent upon her for protection, yet sanctioning and perpetuating those very abuses against which she had repeatedly and strenuously protested. Again, Sir, I must confess that I can form in my own mind no very distinct idea of the exact nature of that constitution or set of constitutions which the hon. Baronet proposes to give to the colonies. If I understand him, he suggests something in the nature of a confederation—but a confederation of what kind? It is not a confederation for commercial purposes, like the German Zollverein, for the hon. Baronet repudiates the notion of a commercial policy based upon differential duties; a military confederation it is not either, for that the hon. Baronet disclaims; and I acknowledge that I do not understand the principle of a confederation, each of whose members is to take for their motto and their maxim, "Every one for himself, and Heaven for us all." Is it supposed that freeing ourselves from all charge on account of the colonies in time of peace, we shall throw off the responsibility of their defence in time of war? It is surely far more easy and simple to say now, that we will suffer no aggression upon them, than it would be to hold that language, if they were in the anomalous position of being to a certain extent under our protection, but at the same time independent as regards the management of their own affairs. The hon. Baronet draws a distinction which I do not well understand, between local and imperial wars. I do not see how a colony is to have the right of making peace and war with one Power, and not with another. Such a distinction is unknown to our law. If we declare that for any war, be it what it may, the colony shall be compelled to pay, we give to the colony the right to commence, or to determine, those wars at its pleasure. For it is clearly impossible to say to any colony—for instance, to the Cape of Good Hope—" You shall pay the expenses of this Kaffir war that you are carrying on, but we will prescribe the manner in which it shall be carried on, and the terms on which peace shall be made." But when you have ceded the rights of making peace and war, you must allow the colonies to contract alliances with whom they will, for the one right is conveyed in the other; and then what vestige or trace does there remain of English sovereignty or of English dominion? The hon. Baronet, I well know, disclaims all intention of giving up the colonies. I give him full credit for sincerity in that declaration; but I cannot forget that the results of measures are often very different from the intentions of their framers; and, looking rather at the hon. Baronet's Resolution, than at the speech in which in which he introduced it, I am compelled to come to the same conclusion as that of the hon. Gentleman the Under Secretary of the Colonies, and with him to believe that the effect of this Motion, if carried, would be the entire abandonment of the colonial empire. To that step I never will consent. I believe that it would be an act of political suicide unprecedented in the history of the world; and I shall therefore give to the Motion of the hon. Baronet my most strenuous and decided opposition.

Mr. COBDEN said, it was not his intention at that hour to make a speech on the question before the House, because there had been one speech that night which rendered another unnecessary except to answer it, and he must say no answer had been given to it yet. The hon. Gentleman who had just sat down began by saying that he did not understand the comprehensive view which his (Mr. Cobden's) hon. Friend (Sir W. Molesworth) took of the colonial question; and he must say that the hon. Gentleman (Mr. Stanley) had succeeded in narrowing it down into a very small compass. He did not say a syllable of the English interest in the question—not one word of the interest which the taxpayers of this country had in it. Even in the view he took of the colonial interest, it appeared to him very much in the light of a military organisation. Every colony he had invested with a military character, in order to find an excuse for furnishing it with a garrison. He began with Canada, and spoke of the value of its 1,500 miles of frontier, in a military point of view. Now he (Mr. Cobden) should say that if a war were to break out with the United States—and God forbid that such a calamity should occur!—we could have no greater disadvantage than to have a frontier of 1,500 miles to defend against 24,000,000 of the bravest and most spirited people in the world; and to have to protect 2,000,000 against those 24,000,000. Then again—but he could hardly conceive that he had understood the hon. Gentleman right—he wished to make Jamaica a military post, and he gave, as an illustration of the advantage to be derived from that station, the fact, that the Americans, in choosing their route from New York to the Isthmus of Panama, had not adopted Chagres on account of its proximity to Jamaica, because they wished to avoid this military station. He (Mr. Cobden) could not imagine a better proof of the disadvantages of seeking to ally military possessions and an aggressive policy with mercantile matters. They were driving away the great stream of commerce which was now setting in from New York to Panama, by making Jamaica an aggressive, at all events a military, position; in fact, it diverted that great stream of commerce from its shores. The hon. Gentleman had also told them of the great prosperity of the Colonies, and he had particularised the vast increase of Australia. It was true; but the hon. Gentleman might have gone further and told them what a workman could earn per day. He might have told them that in New South Wales a common labourer could earn 4*s*. or 5*s*. a day, and could afford to eat meat three times a day if he pleased. And then the hon. Gentleman might have turned from the Colonies to the condition of the people at home, and asked himself whether some justice should not be done to the people of this country; whether the people here, where men worked in the agricultural districts for 1*s*. or 1*s*. 6*d*. a day, and glad to get it, should be taxed to keep up a costly system to support the prosperity which had been described. The hon. Gentleman had certainly not made this a mercenary question. He could not be charged with what the hon. Gentleman the Under Secretary for the Colonies had charged his (Mr. Cobden's) hon. Friend the Member for Southwark—namely, that he had made this a pecuniary question. Well, but could they afford to disregard pecuniary considerations? If he understood the signs of the times, there never was a period in history when there had been such great discussion, or when so much depended upon pounds, shillings, and pence. What had they on Monday but a great debate and a great division about the appropriation of a surplus of 1,500,000*l.*? And what were they to have to-morrow but another great discussion, because an important interest in the country wished to be considered in the apportionment of the 1,500,000*l.* of so-called surplus? Did the hon. Member for Buckinghamshire disregard pecuniary questions? Did the hon. Member for South Nottinghamshire (Mr. Barrow), one of the latest importations from the agricultural mind, find that the pecuniary question was totally disregarded in his election for South Nottinghamshire? The hon. Member the Under Secretary for the Colonies had not taken a very shrewd view of the question, or he would not have sneered at the hon. Baronet's (Sir W. Molesworth's) proposition. He (Mr. Hawes) had asked whether we would give up our Colonies for 1,200,000*l.* a year? But he (Mr. Cobden) would ask, in reply, would the Colonies give up the mother country for that sum? If their argument was worth anything, they meant that it was necessary to keep soldiers in order to retain possession of these territories by force. If they would not admit that, they must admit his hon. Friend's proposition, that they were throwing away upon the Colonies money to the extent of 1,200,000*l.* Now, he thought that the hon. Baronet took a much more generous view of the colonial character than the hon. Under Secretary did. He presented before them two propositions. He said—"We propose to withdraw all expenses on account of military or civil establishments; but on the other hand, we tender to you the right and dignity of citizenship—the power to govern yourselves." But his hon. Friend went on to say—"If you value these privileges, you must be prepared, for your freedom and self-government, to pay the usual price in discharging all your own military and civil expenses." He had no doubt but that his hon. Friend had taken a fair view of the case when he made that proposal. The hon. Baronet had incurred the penalty of some obloquy with very narrow-minded and shortsighted people amongst his constituency, for having watched so carefully the affairs of the Colonies; but he thought, after the hon. Baronet's speech that night, even those narrow-minded persons would perceive that their own interests were intimately bound up in the question, and would acknowledge that he had followed the only path by which we can make any sensible reduction in our home expenditure. He (Mr. Cobden) agreed with the hon. Member for Stafford (Mr. Urquhart), that the only way in which they could make a sensible reduction in the expenses of the country was by reducing the items for military and civil services in the Colonies; and before long they would all—he did not care whether they were free-traders or protectionists—be brought to regard in its true light the importance of the question of national expenditure. They could not depend on the surplus they had now got; it was already eaten up in anticipation. Probably, at that moment, half of it was consumed in Kaffraria; and even without that war it could not be depended upon. They were liable to occasional fluctuations in the revenue now as before the corn laws were repealed. Some one might perhaps attempt to turn that admission against him; but he did not consider that, because the corn laws were repealed, they were not liable to occasional fluctuation in the revenue. Suppose another series of revolutionary struggles on the Continent, or an inflation of the monetary system, and a consequent panic—this might produce a deficit in a single year. The only way to look for a permanent surplus was by a reduction of the expenditure. They would be obliged to curtail the expenses now incurring in the Colonies. The hon. Gentleman opposite (Mr. Stanley) spoke as though money might be had to an indefinite amount, without trouble or cost, and they had only to tax their fancy as to the spot where they would like to have garrisons or fortresses, and there to build them for their own glorification. But they would have to count the cost, and look to the expenditure. He spoke as a free-trader when he said that our relations with the Colonies had been completely changed by the adoption of our free-trade policy; and if it was folly before to garrison the Colonies, it was now downright insanity. Hon. Gentlemen who hoped to get back protection might imagine that that system necessarily implied a great expense in maintaining Colonies. He looked at it in a totally different view. He had always regarded the reduction of that expenditure as a consequence of free trade. He had learnt it from Adam Smith, when he learnt free trade. Let anybody read the last two chapters of that immortal work, on the expense of Colonies, written before we lost the United States. Adam Smith said distinctly that we should make the Colonies pay their own expenses in time of peace, and contribute as much as would indemnify us in time of war. We could not tax them; we could not make them contribute to the national exchequer; therefore the fair thing was for them to pay their own expenses. What he said about free trade must be adopted by every hon. Member who sat on the corner of the opposite benches. He was much surprised to see that the right hon. Baronet the Member for Ripon (Sir J. Graham) had left his seat; these were occasions on which they could not afford to lose him. He had taken a course on the subject of commercial policy which involved certain logical consequences. The House was now dealing with one of them; and the right hon. Baronet ought to be there. He was glad, however, to see so many of the eminent Members who acted with the right hon. Baronet present on this occasion. What had been the feeling in that House as to the connexion of the Colonies and the mother country when protection was our policy? It had always been considered that we kept up our establishments in the Colonies because we believed we were compensated by an exclusive trade with them. In 1819, Mr. Goulburn, on behalf of the Government, had stated, following the hon. Member for Montrose (Mr. Hume), who was then, as now, trying to reduce the expense of the Colonies—

> "That the principle on which this country had hitherto regulated its colonial policy was, to maintain the civil and military establishments of the Colonies, in compensation for a monopoly of their commerce, a principle which was justified by sound policy, and ought not rashly to be abandoned."

But it had been abandoned, and with the right hon. Gentleman's consent. We had now no monopoly in the market of the Colonies; they had none in ours. Therefore, we had got rid of the plea formerly used for keeping up the expense in the Colonies. The hon. Member for King's Lynn (Mr. Stanley), seemed to think that some differential duty was still preserved in the Colonies; he was probably not aware that, by the Act of 1846, the colonists were enabled to regulate their own tariffs; and they had taken away all protection from our commodities entering into those Colonies. In Canada we had given up all claim to sovereignty over the land. He could not imagine why we kept soldiers in Quebec or Kingston; we could not vote an acre of waste land in Canada. The people of this country had dreamt of possessing some 4,000,000 of acres of land: it was not ours, but belonged to the Canadian Legislature, which had absolute power over it. What rights of sovereignty then had we to preserve? What were our 9,000 troops there to keep? Was it possession of the country? We had 600,000*l.* worth of Ordnance stores there, scattered all over the country. The first effect of a rebellion would be, that all these would be taken possession of by the people; for our 9,000 troops could not defend them against 100,000 riflemen, as good as any in the world. The fact was this—there was a prodigious deal of patronage, and expenditure, and jobbing, in the laying out of that money in Canada; and both here and there, there were powerful parties interested in that expenditure, and they would keep it up as long as they could. But to suppose that the English taxpayers, the mass of the people, had anything to do with it, was an absurdity. Suppose this civil and military expenditure taken away from the Colonies, would they not still be benefited by the connexion of the mother country? He would mention one fact alone: we were now spending, or about to spend 500,000*l.* to establish post-office packets, and for no other purpose but because these were our colonies. We contracted for the line of packets carrying the mails to the West Indies for 240,000*l.* He did not believe the gross amount of postage of the whole of the letters would amount to 60,000*l.* Why, therefore, did we pay this 240,000*l.*? It was not on account of the magnitude of the commerce, but because the West India Islands were our colonies; and it was a very great convenience to them to have a rapid and regular line of correspondence. See what we were spending in packets to New York and Halifax: was not a great deal of that arrangement with reference to the Canadas? We had also intercolonial communication from Bermuda to Halifax, and between the West India Islands; and we were now forming a grand scheme for a steam communication with Australia, China, New Zealand, and the Cape of Good Hope. We were spreading packets all over the world for the benefit of the Colonies, but we did not come upon them for a farthing of taxation. All this was paid out of the taxes of this country, and a great deal of it very unprofitably. We had, therefore, pecuniary bonds to hold these Colonies, provided they could be held by no other; but a stronger bond was their having a common origin, one religion, one race, one language, and the same laws with ourselves, which would attach the Colonies to us without any of these small bribes of civil and military expenditure. He was not ashamed to say that he looked upon this very much as a pecuniary question. We could not go on paying all this money without any reason. No ground could be alleged why we should incur all this expenditure. Therefore, this Motion was one of the most important that would come before them this Session. If hon. Gentlemen opposite ignored this Motion, or walked out against it, and certainly at the present moment the state of the benches looked very ominous of such a proceeding—it would be a mockery for them to bring forward Motions for the repeal of certain taxes which they alleged to press on the agricultural interest. He had a very strong impression that if they reduced the expenditure in the Colonies as they might do, with the growing surplus that might spring from that, bringing in increased receipts in other directions, the agricultural interest might get all the remission of taxation which properly interfered with their industry. Such had been the increase of the revenue, and so little had the expenditure been reduced, that he could even see his way to an abolition of the malt duty, if hon. Gentlemen would take a rational course on this colonial question. But, most certainly, if they voted for keeping up the whole of this expenditure, there was no possibility of getting rid of such an amount of taxation as that; and hon. Gentlemen ought to make up their minds either to vote for the reduction in the only practicable way in which it could be made, or to cease grumbling about their peculiar burdens. It was childish, cowardly, humiliating, and disgraceful, to be continually crying out about the heavy weight of taxation, and to refuse, when questions of this kind were brought forward, to take the only possible way of reducing the burden. Hon. Gentlemen opposite would be on their trial on this occasion. If they wished to see any reduction of taxation, let them join the hon. Baronet who brought this Motion forward, who was one of themselves, interested like them in agricultural pursuits, and who brought the question forward on independent grounds, for it had not come from the "Manchester school." If ever there was a fair opportunity afforded hon. Gentlemen opposite for giving an honest straightforward vote, this was the occasion, and he hoped they would embrace it.

LORD JOHN RUSSELL: Sir, I quite agree with the hon. Gentleman who has just sat down, that this is a most important question. It is not a question of saving 1,200,000*l.* or 1,500,000*l.*, or even 2,000,000*l.* a year. It is not even a question of the repeal of the malt tax, which the hon. Gentleman seems to think the most captivating way of representing it; but it is in fact a question whether the tendency of our policy shall be towards the maintenance or the dissolution of the empire. That is the issue to which the argument of the hon. Gentleman who has just sat down has driven the question. Sir, this Motion, as the hon. Member for Lynn (Mr. Stanley) argued most justly, in his very able speech, is a question not of diminishing a part of the military expenditure, or of reducing what may be excessive in some of our colonies, but it is a Motion for taking away the whole of our military expenditure and the whole of over military force from those colonies which the hon. Gentleman said cannot be classed as convict or military stations. Now, Sir, it is impossible to consider such a question as this without endeavouring to trace what might be the consequences of such a policy being adopted; and of effecting this policy, as the Resolution says, as speedily as possible. The hon. Member for the West Riding (Mr. Cobden) says the colonies will remain attached to us from the sympathy which properly belongs to them as being of the some race as ourselves. But that is not a consideration that can govern the whole of our colonial possessions, nor is it a consideration that affects some of the principal colonies to which he has adverted. With regard to Canada, you cannot say at once that you shall have no military expenditure on account of that dependency. If you show a disposition not to defend Canada in time of war, why they have a country of the same race certainly as those born in Canada, and to them, in such a case, I think they might naturally turn for that protection which we denied. But it may be said that Canada has a sufficient population to found an independent State of her own. But what is the case with regard to many of our colonies? Jamaica, for instance, could never expect to exist as a separate State. But the other day there was a publication, which I have seen noticed, by an American gentleman who visited Jamaica, which predicted that that colony in twenty years hence must belong to the United States. But adopt the policy now recommended to you, and that result will take place, not in twenty years hence, but in two years. It is impossible that a colony like Jamaica could see the whole of its garrisons taken away, and find itself denied all due protection, without turning to some strong State which would give it protection; and that State would be the United States of America. Why, it is the same thing with regard to other colonies which in the course of former wars you have taken from other Powers—the Cape of Good Hope, for instance, which is in great part inhabited by Dutch. If you say that you will leave them to submit to any incursion, to any attack, to the danger and desolation of any inroad and any massacre, what could be fairer than they should apply to the kingdom of the Netherlands—that they should ask again to belong to Holland, and seek again the protection of a State which would give them that protection which a colony has a right to ask as long as you demand allegiance from them? In the same way Trinidad might invoke the protection of Spain, and the Mauritius seek that of France; and so in the course of a very few years—in the course of two or three years—you would have dissolved that colonial empire which it cost the wisdom, the designs, and the valour of some of our greatest statemen, and of our best soldiers, and of our most gallant sailors, to build up in the course of our former wars. Well, but then my hon. Friend who brings forward this Motion, and others who take this line of argument, have spoken as if there were to be perpetual peace—as if, because we have been long free from the calamities of war, there was no danger of peace being interrupted. But we must never lose sight of the danger that by some sudden turn of events (and often very sudden unforeseen events bring hostilities within view), we might be engaged in hostilities with some of the Powers of Europe; and what then would be the case with regard to your trade? It may be very well in time of peace that you should have no connexion with colonies; but immediately that war began, those colonies would be the stations of hostile ships and hostile privateers, and all over the world your trade would be intercepted, cut up, and destroyed by those which are now loyal and obedient colonies, but which would then be the resort of your most implacable enemies. Sir, I confess that I am sometimes very much disheartened by the language which is held in this House by various hon. Members, and which is held, perhaps, quite as much without this House as within it. It really sometimes seems to me that, after all the efforts which we have made in the course of centuries, from the time when the fleet of Oliver Cromwell took Jamaica, to the end of the last war, to erect this great empire, that there were really persons who, seeing that we were in possession of this great empire, and that we had sufficient revenues, and an Army and Navy to maintain it, had really considered in what way that empire might be diminished and dismembered. For it is quite clear that if these plans were carried into effect in the manner in which it is proposed, that you would not for many years maintain your place and your reputation in the world. No sooner was it known that you were ready to give up these colonies, no sooner had they resorted to foreign Powers for protection, than you would find that those foreign Powers would then, with perhaps little cause of quarrel, concert the mode of attack against a country like this. For, although we may be animated with the most benevolent feelings towards all foreign nations, you must not conceal from yourselves that the great place which we have acquired by many battles and many victories, is an object of envy to many other States in the world, and that immediately they saw that you were disposed to shrink from the assertion of your empire —that although the limits of that empire were not narrowed, yet that the spirit which maintained them was narrowed—that the soul which animated this mighty monarchy had departed from it, you would see presently that that envy would spring up into wars of aggression against you. And, in what a state would you be left then? You would have none of the material power which these colonies give you, but you would not have parted with that debt which has in part been incurred in acquiring these colonies. That debt would remain, and the obligation to pay the interest of that debt would still remain. That you are bound to pay, and that no doubt you would pay; but you would have to pay that undiminished debt, out of a diminished empire and diminished resources. Now, Sir, I must say that I think there would likewise be a loss of reputation, which, if this House were disposed for any short time to suffer it, the people of this country would not suffer. Because remember that when in former times colonies were founded in North America, obtaining little support, perhaps, from the mother country, that it repeatedly happened that there were incursions into the infant settlements that were then established, that whole villages were destroyed, that mothers and children were murdered, and that those settlements were repeatedly restored and rebuilt. Now, in those times the news of these calamities did not perhaps arrive in this country for a year, or even two years, after they had occurred; and with the little communication that there then was between the colonies and the mother country, these calamities did not produce any great effect. But if you were to hear now that a number of English settlers, whom, in 1819, the Government of this country had sent out to the Cape of Good Hope, had been attacked, and the greater portion of them murdered, and that the land, that the villages which they inhabited, and the farms which they had cultivated were occupied by a barbarous tribe of savages—if you heard, perhaps from New Zealand, that another tribe of savages had destroyed one of your towns there—if, having abandoned (as the hon. Gentleman proposes to abandon) your settlements on the coast of Africa (that was part of his saving, that not only the African squadron but the settlement on the coast of Africa should be abandoned)—if you then heard that the slave trade was again rife and flourishing on these coasts—if you heard all these things, I think that the people of England, on receiving that intelligence, would burn with indignation, and say, that whatever the saving might have been, that although you might save 1,000,000*l.* or 2,000,000*l.* by this economical project, "let us bear that burden again—let as pay twice as much rather than have our fellow-countrymen butchered and destroyed where we have ourselves settled them, and where they dwelt under the protection of the British Crown and British nation." Therefore, putting aside the question of empire and power, I think that the honour and reputation of this country would so greatly suffer, that you would be unable to maintain such a policy as this. Now, Sir, with regard to the Motion. The hon. Baronet (Sir W. Molesworth) proposes that in return for the loss of this military protection, you should give the colonies free representative institutions. I think that the argument that was used on this subject by my hon. Friend the Under Secretary of the Colonies (Mr. Hawes) was a valid one, and that with regard to many of the colonies it is quite unanswerable. In Jamaica you have free representative institutions. The Assembly of Jamaica takes far more power to itself than the House of Commons takes to itself. Therefore it would be impossible to give them the equivalent of free institutions. You might take away the 1,500 men whom you have stationed there; but you could hardly give them a more powerful popular assembly than they already have in Jamaica. In Trinidad, on the other hand, you have about 400 men; but if you take them away, and give representative institutions to this colony, as I stated last year, it is the opinion of the most able Governor of that colony, Lord Harris, that the number of races there is such, that there would be sure to be a contention—a war of races—and, therefore, instead of the 400 men being diminished, you would probably be required to augment the garrison of Trinidad, instead of its being entirely taken away. This question of the difference of races in our colonies is one of the utmost importance, and one which must not be lost sight of in the consideration of the military garrisons that we keep in these colonies. We have French and Spaniards and Germans and Dutch; and we have savage tribes of every description—Indians in our American colonies, Aborigines in Australia, Kaffirs, Hottentots, and Fingoes at the Cape of Good Hope, and Asiatics in other parts of our possessions. There is scarcely a race of mankind which we have not under our dominion, and in many instances these races are mixed together in the same colony. Taking away the military protection, would be, in many cases, to give many of these races the sole military preponderance, and, therefore, to induce fatal dissensions amongst the various races of these colonies. Why, take the case which is apparently one of far less danger, that of Canada. My hon. Friend who made this Motion said he would in all such cases leave the colony to provide for its own internal tranquillity, although he might think it wise to send a subsidy of some kind from this country in order to support them and to maintain that tranquillity. Now, Sir, without going back very far, any one who has observed the history of Canada (as I am sure that the hon. Baronet must have done) must have observed that the danger of Canada arises from the colony having been divided into two parts—the one inhabited almost solely by the British race, and the other almost solely by the French race, and that the French race being the majority, having I think two-thirds, or perhaps three-fourths of the Assembly, they were bent upon separating from this country, in order to establish a French Canadian republic in Lower Canada. Such was the danger, and such was the attempt, but English resisted that attempt, when the insurrection took place. By means of your military force you were enabled, under the direction of Sir J. Colborne, in a very few weeks, to put down that insurrection, and to maintain the authority of the Crown in that colony; but if, instead of maintaining it by means of English regiments, you had put down that insurrection by means of the English militia of the same province, I must say that I believe the contention would have lasted far longer, and the animosity would have been far more dreadful than that which resulted from the suppression of the insurrection in the mode in which it took place. While, therefore, I cannot assent to this Motion, I must say that I admired the greater part of the speech of my hon. Friend: it was a very able speech, and showed to what an extent he had studied this great subject; he brought it forward in a manner not unworthy of so important a question. I should agree with him, if, instead of saying that we were altogether to withdraw our military force from a certain class of colonies which it is difficult to define in any way, and impossible to define in a resolution, he had said that there were some colonies in which our military garrisons were too great, and in which the people themselves might furnish sufficient militia to suppress any internal disturbances, and to maintain internal tranquillity. Most of the Members of the House have probably seen despatches from Earl Grey—one despatch referring to New South Wales, and another despatch, written very lately, and referring to the Government of Canada. Both these despatches were to the effect that the colonies ought to contribute in great part to their military defence, and that the amount of force that was kept up five or six years ago need not be kept up now to the extent which it has hitherto been; and there is no doubt that, on making these reductions, corresponding reductions of stores and other accompanying expenses would likewise take place. But this must be done with very great caution; it must be done gradually, it must be done from time to time, according to the circumstances of the colony to which you think fit to apply this rule. And one of the main faults that I find with this proposed Resolution is, that having from thirty-five to forty colonies of different classes, inhabited by different races, of totally different circumstances—that it proposes to apply to the whole of them the same rule without distinction, without making any allowance for those obvious differences which prevail amongst them. With regard to Canada, that which you can do now, it would have been madness to have done ten or fifteen years ago. With regard to some of the other colonies, that which you could not do now, you may be able to do five or ten years hence. But I contend that these are questions upon which the House of Commoas had better not lay down any general rule or resolution. They are questions to be decided from time to time, always under the supervision and control of this House; but I trust when I say under the supervision and control of this House, that that supervision and control will be exercised with a view to maintain and to defend the integrity of this mighty empire, and not with a view merely to diminish the cost of defending our colonies.

Mr. HUME moved the adjournment of the Debate.

Debate *adjourned* till *Tuesday* next.

The House adjourned at a quarter after One o'clock.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CXV.

BEING THE SECOND VOLUME OF SESSION 1851.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Comm* Select Committee.—*Com.* Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div* First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

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